995.

SUPREME COURT OF THE UNITED STATES.

No. 265.

THE UNITED STATES, APPELLANTS,

vs.

JOHN McDONOGH.

APPEAL FROM THE DISTRICT COURT, U. S., FOR LOUISIANA.

INDEX.

	Original.	Print.
Petition, filed 6th June, 1846	1	3
Document "A, No. 1," made part of the petition, being the original expediente in Spanish	6	5
Translation of document "A, No. 1"	27	15
Document "A, No. 2," made part of the petition, being the original patent of 120,000 arpents of land	46	25
Translation of document "A, No. 2"	66	33
Document "A, No. 3," made part of the petition, being the ratification of the King of Spain of the titles of land	82	41
Translation of document "A, No. 3"	85	42
Document "A, No. 4," made part of the petition, being the cession of Lachiapella, to J. McDonogh and S. Brown, dated 17th May, 1804	88	44
Translation of document "A, No. 4"	90	45
Document "A, No. 5," made part of the petition, being a sale by Lachiapella, Brown, and McDonogh, to Wm. Donaldson, of the 120,000 arpents of land, dated the 11th December, 1805	92	46
Translation of document "A, No. 5"	95	47
Document "A, No. 6," made part of the petition, being a sale by Wm. Donaldson to Brown and McDonogh, of the 120,000 arpents of land, dated 2d January, 1806	98	48
Translation of document "A, No. 6"	100	49
Citation, issued 8th June, 1846, returned 10th June, 1846	103	51
Answer, filed 5th November, 1846	104	51
Entry of record, 11th Feb'ry, 1847; continuation of the cause	105	52
Replication, filed 9th March, 1849	105	52
Entry of record, 9th March, 1849; opening of the cause and continuation of the same	106	52

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		Original.	Print.
	Evidence offered by plaintiff.		
1o.	1o. Document A, No. 1, (see from page 6 to page 27) - -	106	52
	2o. Document A, No. 2, (" 46 " 65) - -	106	52
	3o. Document A, No. 3, (" 82 " 85) - -	106	52
	4o. Document A, No. 4, (" 88 " 90) - -	107	52
	5o. Document A, No. 5, (" 92 " 95) - -	107	53
	6o. Document A, No. 6, (" 98 " 100) - -	107	53
	(All these documents admitted subject to exceptions) - - -	107	53
	2o. Deposition of L. Bouligny, in relation to documents A, No. 1 and A, No. 2 - - - - - - - - -	107	53
	3o. Deposition of A. Cruzat, as to signature to document A. No. 1 -	109	54
	Entry of record, 10th March, 1849; trial and submission of the cause -	110	54
	Further evidence offered by plaintiff.		
	4o. Depositions of M. J. Garcia and E. Reggio, as to signatures to document A, No. 1 - - - - - - - -	111	54
	5o. Register's certificate as to sale of 120,000 acres of land claimed by plaintiff - - - - - - - - -	112	55
	Judgment, rendered 15th May, 1849 - - - - - -	113	55
	Entry of record, 19th May, 1849; motion and order of appeal - -	117	57
	Clerk's and judge's certificates - - - - - -	119	58
	Citation of appeal and return - - - - - -	120	58

United States district court, eastern district of Louisiana—sitting in chancery.

JOHN MCDONOGH vs. THE UNITED STATES. } No. 23.

Be it remembered, that heretofore, to wit, on the sixth day of June, being the May term, A. D. 1846, of the said court, John McDonogh, by his solicitor, C. Roselius, esq., came into the office of the clerk of said court and filed his petition, which is in the words and figures following, to wit:

To the honorable Theodore H. McCaleb, judge of the United States district court, in and for the eastern district of Louisiana.

The petition of John McDonogh, residing in the parish of Orleans, in the State of Louisiana, respectfully represents, that on or about the 5th day of October, 1803, Don Geronimo La Chiapella presented a petition to Don Juan Ventura Morales, then the intendant general of the provinces of Louisiana and West Florida, praying that he be permitted to purchase one hundred and twenty thousand superficial arpents of land, belonging to the King of Spain, and forming part of the domain situate and comprised between the Amite and Pascagoula rivers, in the province of West Florida, at a fair estimate price; and your petitioner further represents, that after a strict compliance with all the preliminary and intermediate formalities and steps required by the laws of Spain in such cases, the said Don Juan Ventura Morales, the intendant general of the provinces of Louisiana and West Florida, did, on the 7th October, 1803, make a grant of, and issue a patent for, one hundred and twenty thousand arpents of land, to Don Geronimo La Chiapella, and ordered Don Carlos Trudeau, the surveyor general, to have the same surveyed; that said surveys were made, and the plats of survey were duly returned to the intendency, and the price to be paid for the said land was established by valuation or appraisements in conformity to the laws then in force; and, finally, said Geronimo La Chiapella was regularly and formally put in possession of the aforesaid quantity of land, and paid the purchase price for the same, according to the valuation or appraisement; that a patent was afterwards issued in due form for said land, dated on or about the 28th March, 1804, by Don Juan Ventura Morales, intendant general of the provinces of Louisiana and West Florida, and the certificates of survey of Don Carlos Trudeau were annexed to said patent; and afterwards, to wit, on or about the 29th May, 1804, and on the 20th February, 1805, the sale of land made as aforesaid was ratified and approved by the King of Spain; all of which, together with other necessary particulars, will more fully appear from the annexed

documents marked A, No. 1; A, No. 2, and A, No. 3, made part of this petition; and your petitioner further represents, that on the 17th May, 1804, said Geronimo La Chiapella sold sixty thousand arpents of said land to McDonogh & Co., by a notarial act passed before P. Pedesclaux, notary public; that on or about the 11th day of December, 1805, said Geronimo La Chiapella and McDonogh & Co., jointly sold to William Donaldson, the whole of the one hundred and twenty thousand arpents embraced in the aforesaid grant, by act passed before P. Pedesclaux, notary public; and on the 2d January, 1806, the said William Donaldson sold the said one hundred and twenty thousand arpents of land to McDonogh & Co., and in the settlement of the firm of McDonogh & Co., said one hundred and twenty thousand arpents of land became the sole and exclusive property of your petitioner; the whole of which will more fully appear, together with other necessary particulars from the annexed documents marked A, No. 4; A, No. 5, and A, No. 6, made part of this petition; and your petitioner further represents, that the metes and bounds of said land, its description and location, appears, by reference to the annexed plans and surveys, under the numbers and quantities as follows, to wit, No. 1706, having thirty-three thousand arpents; No. 1706, having twenty-seven thousand arpents; No. 1706, having thirty-four thousand five hundred arpents; No. 1707, having twelve thousand nine hundred arpents; No. 1708, having eight thousand eight hundred and forty arpents; and No. 1709, having three thousand seven hundred and sixty arpents, making together one hundred and twenty thousand arpents; and your petitioner further represents, that his said titles were duly presented and proved before the board of land commissioners, whose decision was adverse to the claim of your petitioner; that the whole of said tracts of land, or the greater part thereof, have either been sold by the United States, or confirmed to actual settlers; that he cannot, and does not, contest the title of those who are in possession of said tracts of land under the sales and confirmations aforesaid.

Your petitioner, therefore, prays respectfully that the district attorney of the United States, for the eastern district of Louisiana, be cited to appear and answer this petition; that the validity of the title of your petitioner to the aforesaid tracts of land be inquired into and decided by the court; that after due proceedings had, judgment be rendered in favor of your petitioner, decreeing and recognising that the title of your petitioner to the said tracts of land, making in all one hundred and twenty thousand superficial arpents, is good and valid; and that your petitioner is entitled to enter a like quantity of land, in lieu of that which has been sold or confirmed as aforesaid, according to the provisions of the act of Congress in such cases made and provided; and your petitioner prays for all such other and further aid, relief, and remedy as the nature of his case may require, and the law and equity will permit; and, as in duty bound, he will ever pray, &c., &c.

(Signed) C. ROSELIUS.

John McDonogh, the petitioner, being duly sworn, deposes and says, that all the facts and allegations in the foregoing petition contained are correct and true to the best of his knowledge and belief.

(Signed) JOHN McDONOGH.

Sworn and subscribed before me, this 6th June, 1846.

(Signed) L. E. SIMONDS,
Dep. Clk.

Document marked "A, No. 1," made part of the foregoing petition, purporting to be the original expediente in Spanish, which document is in the words and figures following, to wit:

Año de 1813.—Testimonio del expediente seguido pr. Geronimo La Chiapella, para la compra de ciento veinte mil arpanes de tierra planos, entre los rios Amit y Pascagoula, de que se le despacho el correspondiente titulo en el año de 1804.

Pedim'to.

Señor intendente gral. Dn. Geronimo La Chiapella, vecino y del comercio de esta ciudad, con todo respecto hace presente á vs. se halla informado de que en las tierras que median entre la rivera Amit y Pascagoula, existen muchas vacantes, capaces y propias de establecimientos utiles en aquellos parajes, y hallandose el suplicante con medios y proporciones de poder ponerlo en practica, ocurre á la bondad de vs. suplicandole se sirva accordarle ciento veinte mil arpanes de tierra planos, por el precio á que fuesen estimados por personas inteligentes, cuio importe esta pronto á satisfacer de contado en certificaciones de credito. Gracia que espera recibir de vs. Nueva Orleans, 5o. de Octubre de 1803. G. LACHIAPELLA.

Decreto.

Nueva Orleans, 5o. de Octubre de 1803. Pongase por secretaria copia certificada del oficio dirigido por esta intendencia, á los senores comisarios de entrega de la provincia, de resultas de la solicitud de comprar cincuenta mil arpanes que hizo Dn. Tomas Urquhart, y de la respuesta de dhos. sores. y fecho dese vista al sor. fiscal.

MORALES.

Aunque por existir la declaratoria que hicieron Vss. en el bando publicado en 18 de Mayo anterior, sobre que en la cesion de esta provincia á la republica Francesa no entraba el territorio que media desde el bayu ó estero de Iberville hasta el punto de la linea en que principian las poseciones Americanas, podria dar curso á la instancia qe. me há presentado Dn. Tomas Urquhart, pidiendo se le vendan cincuenta mil arpanes de tierra de las que se hallan vacantes y realangas, en el distrito de Baton Rouge bajo las condiciones que establese, sin recelo de que formase que ja el gobierno Frances. Sin embargo, considerando que el punto y á por las conexiones que tenga con las maximas politi-

cas del estado, ya por otros motibos que se oculten á mis conocimientos, puede ofrecer obstaculos y dificultades por las qe. sea tal vez mas prudente declarar sin lugar la solicitud qe. el que real hacienda contiga el verificio que pueda resultarle de acceder á la demanda, he juzgado conveniente remitir á Vss. la citada instancia pa. que sirviendose manifestarme su opinion me sirva de norte y pueda asegurarse el acierto en la determinacion que conciliando las utilidades del mejor servicio con las necesidades de estas reales caxas, y el fomento de aquella parte de los dominios del Rey, paresca mas conveniente tomar.

Dios que. á V. S. S. ms. anos. Nueva Orleans, 22 de Julio de 1803.

JUAN VENTURA MORALES,

Senores Dn. MANUEL DE SALCEDO, y
MARQUES DE CASA CALVO.

La declaratoria qe. hicimos en el bando publicado en 18 de Mayo ultimo, esta fundada en el dro. de conquista, por el qual la Espana se apodero, y tomo de los Ingleses en la guerra del ano de 80, los establecimientos de Natchez y Baton Rouge, conservando actualmente este, y por lo tanto no comprehendido en el distrito de la Luisiana, unica parte que debemos, segun utras instruciones, retroceder á la republica Francesa, en cuyo concepto siendo aquellos terrenos propios de S. M. podra V. en uso de sus facultades determinar sobre el asunto, siendo nuestra opinion, que respecto, promete la solicitud de Dn. Juan Urquhart utilidad á los reales intereces, fomento á la poblacion y agricultura, circunstancias de entidad, y digna de atencion la primera por la escazes en que se hallan en el dia estas caxas, puede ser admitida la propocision, sin que haya motivo que preste rezelo á verificar el asunto baxo las formalidades establecidas por la intendencia, con lo que dexamos contestado el papel que se servio V. dirijirnos en 22 del corriente. Nro. sor. guarde á V. muchos anos. Nueva Orleans, 28 de Julio de 1803.

MANUEL DE SALCEDO,
EL MARQUES DE CASA CALVO,

Senor Dn. JUAN VENTURA MORALES.

Es copia de lo que queda en los archivos de mi cargo, de que certifico como secretario pr. S. M. de esta intendencia, en virtud del ant'or decreto en la Nueva Orleans, á 5 de Octubre de 1803.

CAYETANO VALDES,
Dros. dos pr. recividos.

Repres'on fiscal.

El fiscal de real hacienda, enterado de la solicitud que hace Don Geronimo Lachiapella, sobre que de las tierras realengas que hay vacantes entre la ribera Amit y Pascagoula, se le beneficien por la real hacienda á justa tazacion ciento veinte mil arpanes, ofreciendo pagar de contado en certificaciones de credito despachadas por este ministerio pral., dice: que persuadiendo las fundadas razones expuestas asi por el

sres. oficio pasado por esta intendencia con fecha 22 de Julio ultimo, á los comisarios nombrados pa. la entrega de la Luisiana á la republica Francesa; como por el de su respuesta de 28 del mismo, lo util de dha. solicitud al real eraria, juzga el fiscal conveniente se acceda á ella, y que se de la orden al commandte. de dho. distrito, para quenombre dos habitantes expertos, que en calidad de estimadores conjuntamente con otros dos que señale el comprador y acompañados del agrimensor con dos testigos de asistencia, se proceda al justiprecio, apeo, y deslinde de los referidos ciento veinte mil arpanes, cuias diligencias evacuadas, con la devida solemnidad, se remitan á este tribunal, á fin de que verificado el pago en los terminos que propone se la expida el titulo competente. El tribunal sin embargo determinara lo que estime mas conforme á justicia que pide el fiscal. Na. Orleans, 6 de Octubre, de 1803.

GILBERTO LEONARD.

Prova.

Nueva Orleans, 6 de Octubre, de 1803. Pongase á continuacion testimonio del decreto con que se pasó á la consulta del señor auditor de guerra, el expediente promovido, por Dn. Tomas Urquhart, sobre qe. se le vendiesen cinquenta mil arpanes de tierra en el distrito de Baton Rouge, y del dictamen que extendio en consequencia, y traigase.

MORALES.

Ante me, CARLOS XIMENES.

Auto.

Vistos: y que segun lo prevenido en el articulo ochenta y uno de la real ordenanza de intendentes de Nueva España, mandada observar en esta provincia las causas sobre ventas, composiciones, y repartimientos de tierras realengas, deben sustanciarse con citation fiscal y dictamen de los sres. acesores ordinarios de las intendencias, no habiendolo en esta provincia por haber faltecido el Sor. Licdo. Dn. Manuel Serrano, precediendo recando politico de estilo, pase este expediente al Sor. Dr. Dn. Nicolas Ma. Vidal, teniente de gobernador, y auditor de grra. de esta dha. provincia, para que si lo tiene á bien se sirva consultar lo que ocurra.

MORALES.

Proveyolo el Sor Dn. Juan Ventura Morales, contador pral. de exto., intendente interino de real hacienda de las provincias de la Luisiana y Florida occidental, subdelegado de la superintendencia gral., que lo firmo en Nueva Orleans, á seis de Agosto, de mil ochocientos tres.

CARLOS XIMENES.

Dictamen.

Sor. Intendente Gral: En vista de lo qe. han informado sobre este expediente, los Señores Gobernado y Marques de Casa Calvo, comisarios nombrados por el rey para la entrega de esta provincia de la Luisiana á la republica Francesa, y de lo expuesto por el sor. fiscal de

real hacienda, me parece que puede V. aceder á la solicitude de Dn. Tomas Urquhart, en orden á que se le vendan cinquenta mil arpanes de las tierras qe. hay vacantes y realengas en el distrito de Baton Rouge, para formar un establecimiento de cierto numero de familias, con la calidad de satisfacer el tercio de su importe de contado; otro tercio en seis meses, y el restante al plazo de un año, dando las seguridades necesarias; y que, en consequencia se mande librar pa. las correlativas diligencias el despacho qe. propone el dho. sor. fiscal en los torminos, y con las formalidades que expresa; pero con la prevencion de que las familias que hayan de cituarse en las referidas tierras sean de la aprova cion del gobierno, y con su consermiento observandose las reglas prescritas por S. M. en las reales ordenes de la materia para la admission de nuevo colono V., sin embargo, resolvera lo que juzgue mas acertado y conveniente. Nueva Orleans, 9 de Agosto, de 1803.

NICOLAS MARIA VIDAL.

Es conforme á sus originales á que me remito. Nueva Orleans, seis de Octubre, de mil ochocientos tres.

CARLOS XIMENES.

Provida.

Vistos: y ofreciendo mucha dificultad que el comandante del otro lado del lago, Dn. Carlos Parent, tanto por su abanzado edad, como por no poseer el idioma castellano, pueda evacuar las diligencias necesarias, in asister á la medida, apeo, y estimacion de los ciento veinte mil arpanes de tierra planos, qe. solicita Don Geronimo Lachiapella, a titulo de compra se comisiona al agrimensor gral, Dn. Carlos Trudeau, para que proceda á la operacion, con las formalidades que menciona el sor. fiscal en su precedente representacion, debiendo extenderse en seguida el plano y demas necesario para que previa la exivision de la tercia parte del valor en que sean estimados, dichos ciento veinte mil arpanes planos de tierras y fianza hipotecaria de las otras dos tercias partes, pueda expedirse el titulo informa.

JUAN VENTURA MORALES.

Proveyolo el Sor. Dn. Juan Ventura Morales, contador principal, intendente interino de real hacienda de la provincias de la Luisiana y Florida occidental, que lo firmo en la Nueva Orleans, á siete de Octubre, de mil ochocientos tres.

CARLOS XIMENES.

En el mismo dia, participe el auto antecedente al sor. fiscal de real hacienda, doy fee.

XIMENES.

En el propio lo notifique á Dn. Geronimo Lachiapella, doy fee.

XIMENES.

Doy comision y poder especial á Dn. Celestino Chiapella, por que en mi nombre, y representando mi persona, se halle presente en los apeos

de los ciento veinte mil arpanes de tierra, que he comprado de la real hacienda; como asimismo nombre de mi parte los dos apreciadores, por la estimacion mandada en los autos, y pa. qe. sirva donde convenga, lo firmo 10 de Octubre, de 1803. G. LACHIAPELLA.

Dn. Carlos Trudeau, agrimensor general de la provincia de la Luisiana, comisionado por el sor. intendente general de esta provincia, para la direccion de los apeas, y estimacion de las tierras concedidas á titulo de compra, desde el margen oriental del rio Amit hasta el de la Movila, &a. En cumplimiento de lo prevenido por el sor. fiscal de real hacienda, en fecha seis del mes de Octubre, del año ultimo pasado, prescriviendo de que se nombre quatro peritos estimadores, para tazacion y avaluacion de los ciento y viente mil arpanes planos de tierra mandados á medir por providencia del sor. intendente general, recaida á ciete del mismo antedicho mes y año, á favor de Dn. Geronimo Lachiapella. Declaro haber nombrado por peritos estimadores por lo respectivo á la real hacienda á Dn. José Pereira y Dn. Miguel Masius, y Dn. Celestino Chiapella, hijo mayor y personero del interesado Dn. Geronimo La Chiapella, nombró por parte del interesado á Dn. Agustin Sumber y Dn. José Ramires, todos aquellos habitantes del puerto do Galveston, á catorce de Enero, de mil ochocientos y quatro años.

CARLOS TRUDEAU,
CELESTIN CHIAPELLA.

En el mismo dia, mes, y año lo notifique á Dn. José Pereira, hablando á su persona, quien lo acepto, de lo qe. doy fee.

CARLOS TRUDEAU.

El mismo dia, mes, y año notifique el antecedente nombramiento á Dn. Miguel Masias hablando á su persona, quien lo acepto, de lo que doy fee.

CARLOS TRUDEAU.

El mismo dia, mes, y año notifique el antecedente nombramiento á Dn. Agustin Sumbre hablando á su persona, quien lo acepto, de lo que doy fee.

CARLOS TRUDEAU.

En el mismo dia, mes, y año notifique el antecedente nombramiento á Dn. José Ramires hablando á su persona, quien lo acepto, de lo que doy fee.

CARLOS TRUDEAU.

Se halla agregado el plano No. 1706, con la nota siguiente. Sentado en el libro D, No. 4, folo. 106, de la oficina de agrimensura general.

CARLOS TRUDEAU.

Se halla otro a continuacion con el mismo No. 1706, y la nota siguiento. Sentado en el libro D, No. 4, folo. 106, de la oficina de agrimensura gral.

CARLOS TRUDEAU.

Sigue otro plano con el mismo No. y nota que los dos antecedentes. Sigue otro plano con el numero 1707 con la nota siguiente. Sentado en el libro D, No. 4, folo. 107, de la oficina de la agrimensura general.

CARLOS TRUDEAU.

Sigue otro plano No. 1708 con la nota siguiente. Sentado en el libro D, No. 4, folo. 108, de la agrimensura general.

CARLOS TRUDEAU.

Sigue otro No. 1709 con la nota siguiente. Sentado en el libro D, No. 4, folio 109, de la oficina de agrimensura general.

CARLOS TRUDEAU.

Dn. Carlos Trudeau, agrimensor gral. y comisionado por el sor. intendente gral. de esta provincia de la Luisiana, para la direccion de los apeos y estimacion de las tierras concedidas á título de compra, desde el margen oriental del rio Amit hasta el de la Movila. Certifico, que fue medido, lindado, y amojonado a favor de Dn. Geronimo de La Chiapella, y con asistencia de Dn. Celestino La Chiapella, hijo mayor y personero del interezado, ciento veinte mil arpanes planos de tierra en seis diviciones, á saver, segun el plano antecedente, marcado No. 1o, de treinta y tres mil arpanes planos, situados en el distrito que fue de Galveston, lindado á la parte del norte parte con el rio Tickfaw y tierras vacantes, á la parte del sur con el rio San Bernardo, á la del este con la tierra alta que borda la cipriera del lago Maurepas, y al oeste con tierras del interezado, y tierra vacante. Los antedichos treinta y tres mil arpanes, son excesivos de dos mil quatrocientos y cincuenta arpanes, que se hallan occupadas por los que siguen:

Dn. Carlos Profit - - -	1,000	2450 arpanes.
Pedro Sides, é hijos - - -	400	
Juan Aleman - - - -	800	
Selly - - - -	250	

El plano No. 2, de veinte y siete mil arpanes planos, situado en el mismo barrio, lindado á la parte del norte con tierras vacantes, á la del sur con el rio Sn. Bernard, á la del œste con tierra del interezado, y a la parte del oeste parte con el bayu Gothel y tierras vacantes; los antedichos veinte y siete mil arpanes son exchesivos, a mil nueve cientos y cinquenta arpanes raclamados, como sigue, a saver:

El nombrado Azarete - - -	1,200	1950 arpanes.
La Viuda Facejere - - -	250	
Juan Brazil - - - -	250	
Juan Dias - - - -	250	

El plano No. 3, de treinta y quatro mil y quiniento arpanes planos, cituado en el mismo terrio, lindado a la parte del norte con tierra vacante, al sur con el rio Sn. Bernard, al este parte con el bayu Gothel y tierras vacantes, y al sur œste con el rio Amit. Los dichos treinta y quatro mil quinientos arpanes son exclusivos de mil setecientos arpanes que se hallan occupados, á saver, losque siguen:

Manl. Dias - - - -	250	
Juan Severy - - - -	250	
Jose Alamé, é hijos - - -	400	1700 arpanes.
Pedron Briton - - -	400	
Pedro Consot - - - -	400	

El plano No. 4, de doce mil y novecientos arpanes planos, situados en el distrito de Santa Elena, lindado á la parte del sur parte con tierra de Dn. Tomas Urquhart y tierras vacantes, al norte y este con tierras vacantes, y al œste con la orilla del rio Amit, y á como veinte millas de su constuencia con el rio Comit. Los dhos. doce mil y nueve cientos son exclusivos de setecientos y cincuenta arpanes ocupados, a saver:

El nombrado Williano, hijo - -	250	
Scheffer, Padre - - -	250	750 arpans.
Scheffer, el hijo - - -	250	

El plano No. 5, de ocho mil ochocientos y quaranta arpanes planos, situados en el rio de las perlas principiando á quatro mil ciento veinte y una toesas, del cantel llamado Ouacaya, campamento del indio del mismo nombre, lindado á todas partes con tierras vacantes y del dominio de S. M.; en esta division no se halla ninguna occupacion ni reclamacion alguna.

El plano No. 6, de tres mil setecientos y sesenta arpanes planos, situado en el mismo antedicho rio de las perlas, sobre el margen oriental, á onze mil y quinientos toesas del mismo antedicho cantel, llmado Ouacaya, principiando desde dos robles que se hallen en dho. cantel subiendo el rio, lindado por todas partes con tierras vacantes y del dominio de S. M.; en esta division no se halla ninguna ocupacion ni reclamacion. Y para que toda lo referido conste doy el presente con los seis planos que anteceden, en aquellos van figurados los terrenos los rios con sus exactas buebras, los arboles en que hicieron las señales marcas del uso, y con las letras iniciales del interesado, como se vé demostrado en dhos. planos, asi como las dimensiones y rumbos de los limites segun la aguja del compas, sin atender á la variacion, desinando esta de ocho grados al N. E. Galveston, catorce Henero, de mil ochocientos y cuatro años.

CARLOS TRUDEAU,
CELESTINO CHIAPELLA.

Registrado en el libro D, No. 4, folo. y verso 109.
CARLOS TRUDEAU.

Estimacion.

En el puesto de Galveston, hoy dia quince del mes de Enero, del presente año de mil ochocientos y cuatro, en virtud del decreto del sor. intendente gral. en fecha ocho del mes de Octubre, proximo pasado, procedimos á la estimacion y tazacion de los ciento veinte mil arpanes planos de tierra medidos y lindados á favor de Dn. Geronimo de Lachiapella, los que van figurados en los seis planos anteriores, para cuyo

efecto se nombraran quatro apreciadores, á saver, Dn. José Pereira, y Dn. Miguel Massias, por parte de la real hacienda, y Dn. Celestino de la Chiapella, hijo y personero de Dn. Geronimo de la Chiapella, nombró por parte del interezado á Dn. Agustin Combar y Dn. Jose Ramires, todos aquellos habitantes del puesto de Galveston, quienes presentes lo aceptaron, prometieron, y juraron, proceder fielmente y segun sus intendimientos á la justa y legitima tazacion que puede val el terreno, despues de haber considerado la localidad de los terrenos, sus buenas i inferiores calidades, tanto como las tierras anegadisas, esteriles, y demas circumstancias teniendo presente que las tierras primorisas que se hallan rodeadas por esta grande concession, ya estan ocupadas y reclamadas, tanto con titulo formales decretos del gobierno general, y por permiso del Sor. Dn. Carlos de Grand Pré, coronel y gobernador de aquel territorio, todos aquellos pretendientes ocupan las tierras de la mayor calidad y situacion, de lo que vien informados dichos quatro apreciadores, se conjuntaron en presencia de Dn. Tomas Estevan, comandante de Galveston, y en presencia de los testigos Dn. Felipe de la Roque y Don James Elliot, quando al precio no se acordaron los quatro apreciadores, los de la parte habiendo puesto el precio de dos y medio sueldos por cada arpan plano, y los de la parte de la real hacienda el pracio de cinco sueldos por cada arpan, de lo que resulto algunas contestaciones, y por fui se acordaron unanimemente al precio de quatro sueldos por cada arpan plano, lo que forme el precio total, para los antedichos ciento y veinte mil arpanes á la cantidad de quatro mil y ochocientos pesos fuertes, lo que visto por Dn. Celestino Lachiapella, personero del intersado, se conformó reciver como recive desde luego el antedicho terreno, y de el se dió por bien entregado á su voluntad, prometiendo de pagar fielmiente á la real caja los antedichos quatro mil yochocientos pesos fuertes en los terminos prescriptos en la ultima providencia del sor. intendente, y en presencia del sor. Dn. Tomas Estevan, comandante deG alveston, lo firmo Dn. Celestino Lachiapella, personero del interezado con los apreciadores y testigos, en el puesto de Galveston el dia diez y siete del mes de Enero, de mil ochocientos y cuatro años.

CELESTINO CHIAPELLA,
JOSE PEREYRA,
MIGUEL MASIAS,
JAMES ELLIOT.

Arruego de Jose Ramires, por no saver firmar.

CAYETANO DIEZ,
AGUSTINO LOMBARDO,
FELIPE LAROQUE,
TOMAS ESTEVAN.

Ante me, CARLOS TRUDEAU.

Sentado en el libro D, No. 4, verso 109.

CARLOS TRUDEAU.

Decreto.

NUEVA ORLEANS, 21 *de Marzo, de* 1804.

Dese vista al sor. fiscal de real hacienda, Morales. Ante mi.
CARLOS XIMENES.

En la Nueva Orleans dicho dia, mes, y ano, yo el Ssno. participé el decreto antecedente al sen. fiscal de real haciendo, doy fée.
XIMENES.

En el mismo lo hice saver á Don Geronimo La Chiapella, doy fée.
XIMENES.

Representacion Fiscal.

El fiscal de real hacienda á la vista que se le ha dado de las diligencias de apeo, y estimacion de los ciento veinte mil arpanes de tierras realengas, que solicita comprar Don Geronimo La Chiapella, de las que hay vacantes entre el rio Amit y Pascagoula; dice que pudiera objectar que la estimacion que se ha hecho de dhas. tierras es sumamente modica con respecto á los precios puestos á otras, como quiera que es savido y constante, que en una cantidad tan grande debe haver porciones de inferior calidad, y que por otro lado las diligencias practicadas por el agrimensor general, a demas de explicar esta ultima circumstancia, se hallan revestidas de toda la solemnidad que previenen las leyes, y se prescrivio á dho. comisionado, es de sentir el fiscal que se aprueve tanto el apeo y deslinde de dhos. ciento veinte mil arpanes de tierra como la estimacion que hicieron los peritos, y que para que se verifique el entero de su importe en estas reales caxas, con lo correspondiente á la media annata, y su diez y ocho por ciento, se pase el expediente al ministerio de real hacienda para la formacion de la minuta de lo que adecide dho. La Chiapella por uno y otro motivo. El tribunal sin embargo resolverá lo que sea mas conforme á justicia que pide el fiscal. Nueva Orleans, 27 de Marzo, de 1804.

GILBERTO LEONARD.

Autos. MORALES.

Proveyolo el Sor. Don Juan Ventura Morales, contador de exto. intendente y superintendente interino de la provincia de la Florida occidental, ministro encargado para el arreglo, y conclusion de los asuntos de real hacienda en esta de la Luisiana, que lo firmo en la Nueva Orleans, á veinte y siete de Marzo, de mil ochocientos quatro.
CALOS XIMENES.

En la Nueva Orleans, a veinte y siete de Marzo, de dho. año, participe el decreto antecedente al senor fiscal de real hacienda, doy fée.
XIMENES.

En el mismo lo hice saver á Don Geronimo La Chiapella, doy fée.
XIMENES.

Provida.

Vistos: Con lo representado por el senor fiscal de real hacienda, en la que antecede, apruevase la estimacion hecha de los ciento veinte mil arpanes de tierra planos, á razon de quatro sueldos el arpan; y en consequencia pasese el expediente al ministerio de real hacienda, para que se ajuste el valor de los indicados ciento y veinte mil arpanes, con arreglo á la tazacion, y verificado el entero en arcas reales, con lo correspondiente á la media annata, y conducion, que se hara constar por carta de pago; despachese al interezado el titulo de propiedad en forma de los mencionados ciento veinte mil arpanes de tierra, haciendose distincion de los habitantes que se hallan colocados y establecidos en el cuerpo de las tierras, que á titulo de venta se conceden á Don Geronimo La Chiapella. JUAN VENTURA MORALES.

Proveyolo el Senor Don Juan Ventura Morales, contador de exto. intendente y superintendente interino de la provincia de la Florida occidental, ministro encargado para el areglo y conclusion de los asuntos de real hacienda en esta de la Luisiana, que lo firmo en la Nueva Orleans, á veinte y ocho de Marzo, de mil ochocientos quatro.

CARLOS XIMENES.

En el mismo dia participe al senor fiscal de real hacienda el auto antecedente, doy fée. XIMENES.

En el propio lo notifiqué á Don Geronimo La Chiapella, doy fée.

XIMENES.

En el propio pasé este expediente al ministerio de real hacienda, para lo que se manda en el auto antecedente, doy fée.

XIMENES.

Certificacion.

Don Gilberto Leonardo y Don Manuel Gonzales Armirez, ministros de la real hacienda, contador y tesorero interinos de las caxas principales de la provincia de la Luisiaaa. Certificamos: Que al folio 43 del libro manual de esta tesoreria, se halla una partida del tenor siguiente: Marzo veinte y ocho, de mil ochocientos quatro, recibimos de Don Geronimo La Chiapella treinta y nueve mil quinientos, treinta y tres reales de plata; los treinta y ocho mil quatrocientos, por el importe de ciento veinte mil arpanes de tierra planos, al respecto de quatro sueldos cada uno, que se le beneficiaron á favor de la real hacienda entre el rio Amit y Pascagoula; y los mil ciento treinta y tres restantes por el dro. de dos y medio por ciento de media annata sobre el valor de dha. tierra; y su diez y ocho de conducion á Espana deducido del producto de esta segun consta de la minuta que se halla baxo el numero de esta partida. Son 39,533 reales de plata. Gilberto Leonard, Manuel Armirez, Geronimo La Chiapella, y para que conste damos la presente. Nueva Orleans, fha. ut supra. GILBERTO LEONARD.

MANUEL ARMIREZ.

No. 224. *Venta de tierras realengas.*

Pedimto.

Senor ministro pral. de exto. Don Pedro de Alba, hijo, vecino de esta plaza, con la atencion que debe á V. hace presente: Que Dn. Juan McDonogh, vecino y del comercio de la Nueva Orleans, le ha conferido el poder que en devida forma presenta para que solicite testimonio de las diligencias practicadas por Don Geronimo La Chiapella, para la compra de ciento veinte mil arpanes de tierra planos entre los rios Amit y Pascagoula; en cuya virtud, á V. suplico se sirva mandar se le entregue dho. testimonio devidamente autorizado cuyo costo esta pronto á satisfacer, gracia que espera merecer de V. Panzacola, 29 de Mayo, de 1813. PEDRO DE ALBA.

Decreto.

Panzacola, 29 de Mayo, de 1813. Como lo pide sacandose el testimonio del expediente que existe en secretaria, por Don Francisco Gutierrez de Arroyo, y Don Juan Morales, pagandose los correspondientes derechos. CABARRAS,
FRANCO. GUTIERRES DE ARROYO,
JUAN MORALES.

Es conforme al expediente original que existe en el archivo de la secretaria de esta intendencia, a que me remito y he mandado sacar el present á pedimento de Don Pedro de Alba, hijo, a poderado de Don Juan McDonogh, vecino de la Nueva Orleans, el que firmo con los testigos que subscriben, sellado con mi sifra en trece foxas de papel comun, por no estar en uso el selado. Panzacola, primero de Junio, de mil ochocientos y trece.

(Signed) ANTONIO CABARRAS,
[SEAL.] " FRANCO. GUTIERREZ DE ARROYO,
" JUAN MORALES.

Louisiana. Recorded in the office of the clerk to the commissioner of land claims west of Pearl river, and east of the Mississippi, in lib. F, No. 1, fol. 422, &c.

(Signed,) CHARLES S. COSBY, *Clerk.*

(*Translation of the foregoing document marked "A, No.* 1.")

Year 1813. Certified copies of the proceedings relative to the purchase made by Geronimo la Chiapella of one hundred and twenty thousand superficial arpents of land, situated between the river Amite and Pascagoula, the title of which was given to him in the year 1804.

Petition.

To his excellency the intendant general: Don Geronimo la Chiapella, a merchant, residing in the city of New Orleans, with due respect exposes that he has been informed that in the tracts of land between the

river Amite and Pascagoula there are many not occupied, suitable and convenient for useful establishments, and this petitioner having the means necessary execute and put his views in operation, applies to your excellency for a grant of one hundred and twenty thousand superficial arpents, the valuation of which being made by intelligent persons he offers to pay in certificates of credit; this favor he hopes to obtain from your excellency.

New Orleans, 5th day of October, 1803.

G. LA CHIAPELLA.

Decree.

NEW ORLEANS, *5th day of October*, 1803.

Let the secretary insert hereinafter a certified copy of the official letter addressed by this intendency to the commissioners appointed for the transfer of the province, in relation to the application made by Don Thomas Urquhart to purchase fifty thousand arpents of land, also of the answer made by said commissioners, and when this shall have been done, let the matter be submitted to the senr. fiscal, (solicitor of the Crown.)

(Signed) MORALES.

Although by the declaration which your excellencies have made in the proclamation published on the 8th day of May last, namely, that in the cession of this province to the French republic, the territory from the bayou Iberville to the point of the line where the American possessions commence, is not included, I could without fear of any opposition on the part of the French government, accede to the application which Don Urquhart has made to purchase fifty thousand arpents of vacant royal lands, situated in the district of Baton Rouge, on the conditions proposed by him; yet, considering that the subject, as well on account of the connection it may have with the political principles of this State, as on account of other motives not known to me, might occasion troubles and difficulties, I think it more prudent not to comply with the demand which has been made, than to see the royal treasury reap all the benefit which might result by granting said request. I have therefore thought proper to refer said request to you, in order that you will give your opinion, which shall be my guide, and may ensure success in the determination it may be well to adopt, after taking into consideration the advantages of the better service of the King, the necessities of the royal coffers, and the prosperity of that part of the domains of the King. May God preserve you many years.

New Orleans, 22d July, 1803.

JUAN VENTURA MORALES.

To his excellency Don Manuel de Salcedo, the marquis of Casa Calvo.

The declaration made by us in the proclamation published on the 18th of May last, was founded on the right of conquest by which Spain took from England in the war of the year 1780, the establishments or

943.

posts of Natchez and Baton Rouge, keeping still in her power the latter, which for that reason is not included in the district of Louisiana, the only portion or part which, according to our instructions, we are to retrocede to the French republic, in consequence of which, the said lands being the property of his Majesty, you may by virtue of your power act and determine on the subject. Our opinion being that as the demand of Don Thomas Urquhart presents advantages to the royal interests, encouragement to the population and agriculture, two considerations of great importance and worthy of attention, the former on account of the actual necessities of the royal coffers, the proposal may be accepted without any apprehension, and complying with the rules established by the intendency on the subject. This is our answer to the communication which you have addressed us on the 22d instant. May God grant you many years.

New Orleans, 28th July, 1803.

MANUEL DE SALCEDO,
the Marquis de Casa Calvo.

To his excellency Don Juan Ventura Morales.

A true copy of the record in the archives under my charge, which I certify to as secretary of the intendency, and in virtue of the preceding decree.

5th October, 1803.

CAYETANO VALDES.

On the subject of the application made by Don Geronimo la Chiapella, asking that the royal treasury should sell to him 120,000 arpents of the royal vacant lands between the river Amite and Pascagoula, offering to pay them at just valuation in certificates of credit issued by this ministry, the senor fiscal, (solicitor of the crown) says, that being convinced from the reasons alleged in the official letter addressed by this intendency, under date of 22d July last, to the commissioners appointed for the transfer of Louisiana to the French republic, and those expressed in the answer made on the 28th of said month of the advantages which said application presents to the royal treasury, he thinks well to accede to it, and that an order be given to the commandant of said district in order that he should appoint two inhabitants of experience who, in the character of appraisers, jointly with two others to be appointed by the purchaser, and accompanied by the surveyor and two legal witnesses, they should proceed to the appraisement, survey, and measurement of the said 120,000 arpents, which operation after having been made with the requisite solemnity, shall be forwarded to this tribunal, in order that, on the payment of the valuation according to the terms proposed, a regular title be delivered. The tribunal will no doubt determine what it thinks more in accordance with justice, which is the object of the fiscal, &c.

New Orleans, 6th October, 1803.

Signed, GILBERTO LEONARD.

NEW ORLEANS, 6 *October*, 1803.

Let a certified copy of the decree in virtue of which the application of Don Ths. Urquhart to purchase 50,000 arpents of land in the district of Baton Rouge was sent to the auditor of war for consultation, be hereinafter inserted, also of the opinion given by him on the subject, and after this shall have been done, let the proceedings be brought to me. MORALES.

Before me, CARLOS XIMENES.

In conformity to the 81st article of the royal ordinance for intendants of New Spain, which ordinance is to be enforced in this province, making it necessary in sales, adjustments, and distributions of lands, to proceed by citations to the fiscal, also the opinion of the ordinary assessors of the intendancy, and there being no assessors in this province since the death of the licentiate Don Manuel Serrano, let a polite request in the usual form, with a copy of these proceedings, be transmitted to Don Nicolas M. Vidal, lieutenant governor and auditor of war of this province, that he may have the goodness to advise whatever may appear to him most proper on the subject. MORALES.

I decree this, Don Juan Ventura Morales, principal auditor for the army, intendant pro temp. of the royal treasury of the provinces of Louisiana and West Florida, subdelegate of the sub-intendancy general, who did sign the same in New Orleans, on the 6th day of August, 1803.

(Signed) CARLOS XIMENES.

After taking into consideration the information which has been given in relation to this application by his excellencies the governor, and the Marquis de Casa Calvo, commissioners appointed by the King for the transfer of Louisiana to the French republic, also what has been expressed on the same subject by the senor fiscal of the royal treasury, I am of opinion that you may accede to the application made by Don Thomas Urquhart to purchase 50,000 arpents of the vacant royal lands, situated in the district of Baton Rouge, with a view of forming an establishment composed of a certain number of families under the condition of paying the value of said land one-third in cash, one-third in six months, and the balance in one year, giving the necessary securities, and consequently the order for the necessary operations of survey as recommended by the senor fiscal, be given under the conditions and formalities expressed; also, under the condition that the families who shall settle on those lands shall do so with the knowledge and approbation of the government, and observe the royal ordinances on the subject of the admission of new colonists; you will however, no doubt, determine what you deem most necessary and proper. New Orleans, 9th August, 1803.

NICOLAS MARIA VIDAL.

The above is a true copy of the original to which I refer.

CARLOS XIMENES.

In consequence of the difficulties arising from the advanced age of the commandant, on the other side of the lake, and his want of knowledge of the Spanish language, he not being able to fulfil the necessary formalities, nor assist *to* to the measurement, survey, and valuation of the 120,000 superficial arpents of land which Don Geronimo La Chiapella wishes to buy, the surveyor general, Don Carlos Trudeau, is commissioned to make out these operations agreeably to the formalities prescribed by the señor fiscal in his last official letter, to make the plan, survey, and other proceedings necessary, in order that, on the payment of a part of the value of said 120,000 superficial arpents of land, and security by mortgage for the other two-thirds, a regular title may be given. Thus decreed by me.

JUAN VENTURA MORALES.

El Senor Juan Ventura Morales, principal auditor, intendant pro temp. of the royal treasury of the provinces of Louisiana and West Florida, who did sign it in New Orleans, on the 7th October, 1803.

CARLOS XIMENES.

On the same day I communicated the above decree to the señor fiscal of the royal treasury, certified.

XIMENES.

On the same day I notified Don Geronimo La Chiapella personally of the above decree, certified.

XIMENES.

I authorize and give special power to Don Celestino Chiapella to represent me in name and person in the survey of the 120,000 arpents of land which I have bought from the royal treasury; also to appoint for me the two appraisers who are to proceed to the valuation, and that this may serve whenever required, I sign it, 1st October, 1803.

G. LA CHIAPELLA.

Don Carlos Trudeau, general surveyor of the province of Louisiana, commissioned by his excellency the intendant general of this province, to attend and direct the surveys and valuation of lands conceded under the title of sales, and situated from the eastern shore of the river Amite to that of Mobile, &c. In conformity to the decree of the senor fiscal of the royal treasury, under date of the 6th of the month of October last, namely, that four experienced appraisers be appointed to value the 120,000 superficial arpents of land which were ordered to be measured by a decree of the señor intendant general, of the 7th of said month and year, in favor of Geronimo La Chiapella, I declare having appointed as appraisers of experience, on behalf of the royal treasury, Don Jose Pereira, and Don Miguel Masias, and Don Celestino Chiapella, eldest son and attorney in fact of the party in interest, Don Geronimo Lachiapella, did appoint on behalf of said party in interest Don Augustin Sumber, and Don Jose Ramirez, all inhabitants of the post of Galveston, on the 14th of January, 1804.

CELESTIN CHIAPELLA.
CARLOS TRUDEAU.

On the same day, month, and year, I notified Don Miguel Masias personally of the above appointment, which he accepted—certified.
CARLOS TRUDEAU.

On the same day, month, and year, I notified Don Augustin Sumber of the above appointment, which he accepted—certified.
CARLOS TRUDEAU.

On the same day, month, and year, I notified Don Jose Ramirez personally of the above appointment, which he accepted—certified.
CARLOS TRUDEAU.

On the same day, month, and year, I notified Don Jose Pereira personally of the above appointment, which he accepted—certified.
CARLOS TRUDEAU.

Herewith is annexed plan No. 1706, with the following note, recorded in book D, No. 4, folio 106, in the office of general mensuration.
CARLOS TRUDEAU.

Again, to said No. 1706, follows another note, recorded in book D, folio 106, in the office of general mensuration.
CARLOS TRUDEAU.

Here follows another plan with said number 1706, and a note like the two foregoing; here follows another plan, No. 1707, with the following note, recorded in book D, No. 4, folio 107, in the office of general mensuration.
CARLOS TRUDEAU.

Here follows another plan, No. 1708, and the following note, recorded in book D, folio 108, of general mensuration.
CARLOS TRUDEAU.

Here follows another, No. 1709, with the following note, recorded in book D, No. 4, folio 109, in the office of general mensuration.
CARLOS TRUDEAU.

I, Don Carlos Trudeau, surveyor general, and commissioned by the señor intendant general of the province of Louisiana to attend to and direct surveys, and the valuation of the lands granted under the titles of purchases, from the eastern bank of the river Amite to that of Mobile, hereby certify, that there have been measured, surveyed, and the limits marked with stakes, in favor of Don Geronimo La Chiapella, in presence of, and with the assistance of Don Celestino La Chiapella, eldest son and agent of the party in interest, 120,000 superficial arpents of land in six divisions or tracts, namely:

Plan No. 1, of thirty-three thousand (33,000) superficial arpents, situated in the district formerly called Galveston, bounded on the north in part by the river Tickfaw and vacant lands; on the south by the river St. Bernard; on the east by the high lands adjoining the cypress lands of lake Maurepas; and on the west by lands of the party in inter-

est and others vacant; said 33,000 arpents are over and above of 2,450 arpents occupied by the following persons, to wit:

Don Carlos Profit	1,000	2450 arpents.
Pedro Sides and Son	400	
Juan Alleman	800	
Selly	250	

Plan No. 2, of twenty-seven thousand (27,000) superficial arpents, situated in the same district, bounded on the north by vacant lands; on the south by the river St. Bernard; on the east by lands of the party in interest; and on the west by the bayou Gothel and vacant lands; said 27,000 arpents are exclusive of 1950 arpents petitioned for by the following persons:

Azareta	1,200	1950 arpents.
Widow Talfere	250	
Juan Brazile	250	
Juan Dias	250	

Plan No. 3, of thirty-four thousand five hundred (34,500) superficial arpents in the same district, bounded on the north by vacant lands; south by the river St. Bernard; on the east in part by the bayou Gothel and vacant lands; and on the southwest by the river Amite. Said 34,500 arpents are exclusive of 1700 arpents occupied by the following persons:

Manuel Dias	250	1700 arpents.
Juan Cevery	250	
Jose Alame and Son	400	
Pedro Barton	400	
Pedro Consot	400	

Plan No. 4, of twelve thousand nine hundred (12,900) superficial arpents, situated in the district of St. Helena; bounded on the south partly by the lands of Don Thomas Urquhart and others, vacant; on the north and east by vacant lands; and on the west by the bank of the river Amite, and at about 20 miles of its confluence with the river Comite. Said 12,900 arpents are exclusive of 750 arpents occupied by the following persons, to wit:

Williams & Son	250	750 arpents.
Scheffer, sen'r	250	
Scheffer, jun'r	250	

Plan No. 5, of eight thousand eight hundred and forty (8,840) superficial arpents, situated on Pearl river, commencing at 4,121 toises of the place called "Ouacaya," encampment of the Indians of said name; bounded on all sides by vacant lands of the King's domains. In this section there exist no settlements, nor claims, or demands.

Plan No. 6, of three thousand seven hundred and seventy (3,770) superficial arpents, situated on said mentioned Pearl river, on the east shore, at 11,500 toises of said place, called "Ouacaya," commencing at or from 2 oak trees, (robles,) on said place up the river; bounded on

all sides by vacant lands of the domains of his Majesty. In this section their exist no settlements, nor claims, or demands; and, in order to give authenticity to what has been stated, I give these presents with the six plans which precede, in which are represented the tracts, the rivers, and their exact directions, the trees on which are made the usual marks, and the initials of the name of the party in interest; also the dimensions and directions of the limits by the points of the compass, without regard to the variation, which is of eight degrees to the n. e. Galveston, 14 January, 1804.

CARLOS TRUDEAU.
CELESTIN CHIAPELLA.

Registered in book D, No. 4, folio 109.

CARLOS TRUDEAU.

In the post of Galveston, on this 15th day of January, of the present year, 1804, in virtue of the decree of the intendant general, dated 8th of October last, we proceeded to the appraisement of the 120,000 arpents of land, measured and surveyed in favor of Don G. Lachiapella, represented in the foregoing six plans, for which object four appraisers have been appointed; two on behalf of the royal treasury, to wit, Don José Pereira and Don Miguel Masias; and two appointed by Celestin Chiapella, eldest son, and the agent of the party in interest on behalf of said party in interest, to wit, Don Augustino Lombardo and Don José Ramirez, all inhabitants of the post of Galveston, who being present, did accept and swear, that they would proceed faithfully and to the best of their knowledge to the just and equitable appraisement of said lands; and after taking into consideration their localities, good and bad qualities, those that are sandy and barren and other circumstances; also that those of good qualities, surrounded by this large concession, are already claimed and occupied, either under legal titles, decrees of the government general, or permissions of the Señor Don Carlos de Grand Pré, colonel and governor of said territory, and that said claimants are in possession and occupancy of the lands of the best qualities and locations; said four appraisers being well aware and convinced of these facts, met in the presence of Don Thomas Estevan, commandant of Galveston, and of the witnesses, Don Felipe de la Roque and Don James Elliott; when they, said appraisers, disagreed; those appointed on behalf of the party in interest putting the price at two and a half cents per superficial arpents, and those on behalf of the royal treasury at the price of five cents per superficial arpent, which difference gave rise to many discussions; and finally they agreed on the price of four cents per superficial arpent, which makes a total sum of four thousand eight hundred dollars (for the 120,000 arpents,) which valuation being submitted to Don Celestin Chiapella, the agent of the party in interest, he agreed to receiving, as he now receives, said land, acknowledging the delivery thereof to his satisfaction, binding himself to pay faithfully in the King's treasury said sum of $4,800, agreeably to the terms pre-

scribed in the last decree of the señor intendant, and in the presence of Don Thomas Estevan, commandant of Galveston, Don Celestin Chiapella, agent of the party in interest, did sign this with the appraisers and witnesses in the post of Galveston, on the 17th of the month of January, 1804.—Celestin Chiapella, José Pereira, Miguel Masias, James Elliot, at the request of José Ramirez, who does not write, Cayetano Diez, Augustino Lombardo, Felipe La Roque, Thomas Estevan.

Before me, CARLOS TRUDEAU.

Recorded in book D, No. 4, page 109.

CARLOS TRUDEAU.

Decree.

New Orleans, 21st March, 1804. Let the above be submitted to the señor fiscal of the royal treasury.

MORALES.

Certified. CARLOS XIMENES.

In New Orleans, on said day, month, and year, I, the secretary, did communicate the above decree to the senor fiscal of the royal treasury.

Certified. XIMENES.

On the same day I gave notice of said decree to Don Geronimo Lachiapella. Certified. XIMENES.

The senor fiscal of the royal treasury, after examination of the proceedings or returns of survey and valuation of the 120,000 arpents of royal lands, which are vacant and situated between the river Amite and Pascagoula, which Don Geronimo Lachiapella petitioned to purchase, says, that although he might object to the valuation which has been made of said lands, the valuation being very low relatively to others, but it being well known and evident, that in such a large quantity of land there must be some or portions of an inferior quality; and further, that the proceedings made by the surveyor general explain this fact or circumstance, and are clothed with all the solemnity required by law and prescribed to said functionary, he, the fiscal, is of opinion that the survey and measurement of said 120,000 arpents, and also the valuation made by the appraisers, be approved, and that the proceedings be sent to the officers of the royal treasury to make out the calculation, establishing the amount due by said Geronimo Lachiapella for the land, with the duty of half yearly tribute (media annata) and of 18 per cent., in order that the whole sum be paid in the royal coffers. The tribunal will, no doubt, however, determine what is most in accordance with justice, which the senor fiscal recommends. New Orleans, 27th March, 1804. GILBERTO LEONARD.

Approved, MORALES.

Thus decreed by me, Don Juan Ventura Morales (contador de exto.,) auditor for the army, intendant and sup-intendant pro temp., minister

all sides by vacant lands of the domains of his Majesty. In this section their exist no settlements, nor claims, or demands; and, in order to give authenticity to what has been stated, I give these presents with the six plans which precede, in which are represented the tracts, the rivers, and their exact directions, the trees on which are made the usual marks, and the initials of the name of the party in interest; also the dimensions and directions of the limits by the points of the compass, without regard to the variation, which is of eight degrees to the n. e. Galveston, 14 January, 1804.

CARLOS TRUDEAU.
CELESTIN CHIAPELLA.

Registered in book D, No. 4, folio 109.

CARLOS TRUDEAU.

In the post of Galveston, on this 15th day of January, of the present year, 1804, in virtue of the decree of the intendant general, dated 8th of October last, we proceeded to the appraisement of the 120,000 arpents of land, measured and surveyed in favor of Don G. Lachiapella, represented in the foregoing six plans, for which object four appraisers have been appointed; two on behalf of the royal treasury, to wit, Don José Pereira and Don Miguel Masias; and two appointed by Celestin Chiapella, eldest son, and the agent of the party in interest on behalf of said party in interest, to wit, Don Augustino Lombardo and Don José Ramirez, all inhabitants of the post of Galveston, who being present, did accept and swear, that they would proceed faithfully and to the best of their knowledge to the just and equitable appraisement of said lands; and after taking into consideration their localities, good and bad qualities, those that are sandy and barren and other circumstances; also that those of good qualities, surrounded by this large concession, are already claimed and occupied, either under legal titles, decrees of the government general, or permissions of the Señor Don Carlos de Grand Pré, colonel and governor of said territory, and that said claimants are in possession and occupancy of the lands of the best qualities and locations; said four appraisers being well aware and convinced of these facts, met in the presence of Don Thomas Estevan, commandant of Galveston, and of the witnesses, Don Felipe de la Roque and Don James Elliott; when they, said appraisers, disagreed; those appointed on behalf of the party in interest putting the price at two and a half cents per superficial arpents, and those on behalf of the royal treasury at the price of five cents per superficial arpent, which difference gave rise to many discussions; and finally they agreed on the price of four cents per superficial arpent, which makes a total sum of four thousand eight hundred dollars (for the 120,000 arpents,) which valuation being submitted to Don Celestin Chiapella, the agent of the party in interest, he agreed to receiving, as he now receives, said land, acknowledging the delivery thereof to his satisfaction, binding himself to pay faithfully in the King's treasury said sum of $4,800, agreeably to the terms pre-

scribed in the last decree of the señor intendant, and in the presence of Don Thomas Estevan, commandant of Galveston, Don Celestin Chiapella, agent of the party in interest, did sign this with the appraisers and witnesses in the post of Galveston, on the 17th of the month of January, 1804.—Celestin Chiapella, José Pereira, Miguel Masias, James Elliot, at the request of José Ramirez, who does not write, Cayetano Diez, Augustino Lombardo, Felipe La Roque, Thomas Estevan.

Before me, CARLOS TRUDEAU.

Recorded in book D, No. 4, page 109.

CARLOS TRUDEAU.

Decree.

New Orleans, 21st March, 1804. Let the above be submitted to the señor fiscal of the royal treasury.

MORALES.

Certified. CARLOS XIMENES.

In New Orleans, on said day, month, and year, I, the secretary, did communicate the above decree to the senor fiscal of the royal treasury.

Certified. XIMENES.

On the same day I gave notice of said decree to Don Geronimo Lachiapella. Certified. XIMENES.

The senor fiscal of the royal treasury, after examination of the proceedings or returns of survey and valuation of the 120,000 arpents of royal lands, which are vacant and situated between the river Amite and Pascagoula, which Don Geronimo Lachiapella petitioned to purchase, says, that although he might object to the valuation which has been made of said lands, the valuation being very low relatively to others, but it being well known and evident, that in such a large quantity of land there must be some or portions of an inferior quality; and further, that the proceedings made by the surveyor general explain this fact or circumstance, and are clothed with all the solemnity required by law and prescribed to said functionary, he, the fiscal, is of opinion that the survey and measurement of said 120,000 arpents, and also the valuation made by the appraisers, be approved, and that the proceedings be sent to the officers of the royal treasury to make out the calculation, establishing the amount due by said Geronimo Lachiapella for the land, with the duty of half yearly tribute (media annata) and of 18 per cent., in order that the whole sum be paid in the royal coffers. The tribunal will, no doubt, however, determine what is most in accordance with justice, which the senor fiscal recommends. New Orleans, 27th March, 1804. GILBERTO LEONARD.

Approved, MORALES.

Thus decreed by me, Don Juan Ventura Morales (contador de exto.,) auditor for the army, intendant and sup-intendant pro temp., minister

entrusted with the final settlement of the affairs of the royal treasury in Louisiana, who did sign it in New Orleans on the twenty-seventh day of March, eighteen hundred and four.

CARLOS XIMENES.

In New Orleans, on the 27th day of March, of said year, I did communicate the above decree to the senor fiscal of the royal treasury. Certified.

XIMENES.

On the same day I gave notice thereof to Don Geronimo La Chiapella. Certified.

XIMENES.

In consequence of what has been above expressed by the senor fiscal of the royal treasury, I approve the valuation which has been made of the 120,000 superficial arpents of land at the rate of four cents an arpent, and in consequence order that the proceedings be sent to the officers of the royal treasury, in order that the amount of said 120,000 arpents be calculated agreeably to valuation, and on the payment of the amount with the duty of half yearly tribute (media anata) and its transportation, (of which the receipt of payment shall be the evidence) a regular title of property to said 120,000 arpens of land be given to the party in interest, making mention of the inhabitants located and established in the body of the lands which under title of sale are conceded to Don Geronimo La Chiapella.

VENTURA MORALES.

Thus decreed by me, Don Juan Ventura Morales, auditor for the army, intendant and sup. intendant pro temp. of the province of West Florida, minister entrusted with the final settlement of the affairs of the royal treasury in Louisiana, who did sign it in New Orleans on the 28th day of the month of March, eighteen hundred and four.

CARLOS XIMENES.

On the same day I communicated to the senor fiscal of the royal treasury the above decree. Certified.

XIMENES.

On the same day I notified Geronimo La Chiapella of the said decree. Certified.

XIMENES.

We, Don Gilberto Leonard and Don Manuel Gonzales Armirez, officers of the royal treasury, comptroller and treasurer pro temp. of the principal coffers of the province of Louisiana, do hereby certify, that in folio 43, of the journal of this intendancy, is an entry of the following tenor:

March 28, 1804. We have received from Don Geronimo La Chiapella, thirty-nine thousand five hundred and thirty-three bits in silver, thirty-eight thousand four hundred of which are for the value of one hundred and twenty thousand superficial arpents of land, at the rate of four cents an arpent, sold to him by the royal treasury, between the

river Amite and Pascagoula; and the balance, one thousand one hundred and thirty-three bits, for the duty of 2½ per cent. half yearly tribute, (media anata) and the eighteen per cent. for the transportation to Spain of said half yearly tribute agreeably to calculation under this entry.

39,533 bits in silver. Gilberto Leonard, Manuel Armirez, Geronimo La Chiapella. And as evidence thereof we give these presents in New Orleans. Date as above.

GILBERTO LEONARD,
MANUEL ARMIREZ.

No. 224. *Sales of lands belonging to the King's domains.*

To his excellency the Minister of War.

Don Pedro De Alba, jun., inhabitant of this place, with due respect to your excellency begs leave to represent, that Juan McDonogh, merchant, residing in the city of New Orleans, has by power in due form, authorized him to solicit certified copies of the proceedings in relation to the purchase made by Don Geronimo La Chiapella of 120,000 superficial arpents of land between the river Amite and Pascagoula; wherefore the petitioner prays you will please order that said copies in due form, and well authenticated, be delivered to him, the costs of which he will immediately pay; which favor he hopes to obtain from your excellency. Pensacola, 29 May, 1813.

PEDRO DE ALBA.

Pensacola, 29 May, 1813. As prayed for, let certified copies of the proceedings which exist in the office of the secretary, be delivered by Don Francisco Gutierrez De Arroyo and Don Juan Morales, on payment of the costs.

(Signed) CABARRAS.

Francisco Gutierrez De Arroyo, Juan Morales.

The above are true copies of the originals in the archives of the office of the secretary of this intendency, to which I refer, which copies I have ordered to be made out and delivered at the request of Don Pedro De Alba, jun., the agent of J. McDonogh, of New Orleans, and I sign these presents with the following witnesses. Sealed with my seal, on 13 pages of common paper, stamped paper not being in use. Pensacola, June 1st, 1813.

ANTONIO CABARRAS,
F. GUTIERREZ DE ARROYO,
JUAN MORALES.

Document marked "A, No. 2," made part of the petition, purporting to be the original patent of the 120,000 arpents of land, which document is in the words and figures following, to wit:

Titulo de 120,000 apanes de tierra, planos concedidos a titulo de venta à Don Geronimo La Chiapella.

Don Juan Ventura Morales, contador de exto. intendente, y superintendente de la provincia de la Florida occidental, ministro encargado

para el areglo, y conclusion de los asuntos de rl. hacienda, en esta de la Luisiana.

Por quanto, habiendose presentado en esta tribunal Dn. Geronimo La Chiapella de esta vecindad y comercio, solicitando la consecion á titulo de compra á la rl. hacienda, de ciento y veinte mil arpanes de tierra planos de las realengas y vacantes entre el rio Amit y Pascagoulas, para establecimientos en aquellos parages, ofreciendo pagar su importe al precio en que fueron estimados, al contado, y en certificaciones de credito contra estas rs. caxas; que motivado el expediente con los documentos correspondientes conforme otros de igual naturaleza, y con audiencia del sor. fiscal, quien ningun reparo puso a este solicitud, por auto de siete de Octubro del año proximo passado, comicioné al agrimensor general Dn. Carlos Trudeau, para que prosediese á la medida deslinde, apeo, y estimacio de los indicados ciento y veinte mil arpanes de tierra planos, pedidos por el mencionado Dn. Geromino Lachiapella en los parages indicados, y con las formalidades propuestas por el sor. fiscal, para lo qual se le entrego el expediente para que se arreglase; preriniendole estendiese el plano, y demas necesario, para que previa la exiricion del importe se le despachase el titulo en forma: que efectuada la medida y apeo de los relacionados ciento y veinte mil arpanes de tierra planos (que resultaron en seis porciones distintas y ceparadas unas de otras, segun se explicara, tratando de los parages de sus colocaciones, linderos rumbos y distancias para la inteligencia, y conocimiento de cada una, y arpanes que contengar, conforme a los planos que se nominaron, y explicacion hecha por el agrimensor) fueron tazados cada uno de dichos arpanes a rason de quatro sueldos por los estimadores nombrados, asi por parte de la real hacienda, como por la del interesado; que remetidas las diligs. con las operaciones practicadas, y quedan referidas mandé dar vista al sor. fiscal de rl. hacienda, y contextado sobre todo, como no hisiese contradicion, y se conformase con los expuesto, fué de centir se aprovase, asi el apeo, como la estima'on hecha de los ciento veinte mil arpanes, y que para que se verificase el entero del importe, con lo correspond'te á la media annata, y conduccion se pasase el expediente al ministerio de rl. hac'da para la formacion de la minuta de lo que adecedase el citado Dn. Geronimo, que en consequencia por auto de este dia, aprové la estimacion hecha de los ciento veinto mil arpanes á razon de quatro sueldos cada uno, y determine que el expediente pasase al ministerio de rl. hac'da para que se ajustate el valor con arreglo á la tasacion, y que verificado el entero en areas rs. con lo correspond'te a la media annata, y conducion haciendo se constan por carta de pago, se despachase el titulo de propriedad en forma, que por la que libro el estado ministerio de rl. hacienda con fecha de este dia, se acredita que el nominado Dn. Geronimo Lachiapella entero en areas rs. el valor de los ciento y veinte mil arpanes de tierra planos, y lo correspondiente al derecho de media annata, y conduccion de esta á los reynos de españo, asendiendo el primero á treinta y ocho mil, quatro cientos, y los segundos á mil, ciento treinta y tres reales de plata segun, se evidencia del expediente del asunto á que merremito; y procediendo á la explication

de los seis planos, medida de la tierra que contiene cada uno, sus linderos y demas anotado para la inteligencia, y conocimiento de lo que cada uno comprehende; evidenciandose que el primer plano figurativo, consta de treinta y tres mil arpanes planos, señalado con el No. 1706, cituados que estan en el distrito que fué de Galveston, lindando á la parte del norte parte con el rio Tickfaw y tierras vacantes, al sur con el rio San Bernardo, a la del esta con la tierra alta y cipriera del lago Maurepas, y al oeste con tierra del interesado y vacantes: cuyos treinta y tres mil arpanes son parte de los ciento veinte mil correspondientes al nominado Dn. Geronimo Lachiapella, y exclusive de dos mil quatro cientos y cinquenta arpanes, que en el cuerpo de este paño y area corresponden, mil, a Dn. Carlos Proffit, quatro cientos à Pedro Sides á Hijos, ocho cientos á Juan Aleman, y dos cientos a cinquenta al nombrado Selly; que el segundo plano, tambien No. 1706, contiene en su area veinte y siete mil arpanes tambien planos cituados en el mismo barrio de Galveston, lindando al norte con tierras vacantes, al sur con el rio de Sn. Bernardo, y a la del este con tierra del interesado Lachiapella, y al oeste con el bayu Gothel, y tierras vacantes; los quales veinte y siete mil arpanes son con exclucion de mil novecientos y cinquenta pertenecientes, mil dos cientos al nombrado Azereto, dos cientos cinquenta á la viuda Fauseré, igual porcion al nombrado Brazile, y dos cientos cinquenta a Juan Diaz, comprehendidos en el todo del cuerpo de este paño; que el tercer plano tambien señalado con el N. 1706, consta de treinta y quatro mil y quinientos arpanes planos para el mismo Lachiapella, exclusive mil y setecientos, que estan en el cuerpo de dicho plano correspondientes 250 a Manuel Diaz, 250 á Juan Civery, 400 á Jose Alame e hijos, 400 a Pedro Breton, y 400 á Pedro Consot, lindado toda la porcion por el norte con tierras vacantes, al sur con el rio de Sn. Bernardo, al este parte con el bayu Gothel y tierras vacantes, y al sur oeste con el rio Amit, cuya cituation es en el mismo parage de Galveston.

Que el quarto plano, N. 1707, es de doce mil y novecientos arpanes planos, cituados en el distrito de Santa Helena, lindando al sur en parte con tierras de Dn. Thomas Urquhart y vacantes, al Norte y este con tierras realengas o vacantes, y al oeste con la orilla del rio Amit, y a como veinte millas de la confluencia del rio Comit; los quales doce mil y nuevecientos arpanes se entienden exclusive setecientos y cinquenta, que son por tercias partes, a razon de dos cientos y cinquenta cada una, del nombrado Williams, hijo, Scheffer, padre y el hijo, del mismo nombre. Que el quinto plano N. 1708, consta de ocho mil ocho cientos y quarenta arpanes planos, cituados en el rio de las Perlas, principiando a quatro mil ciento y veinte toesas del cantil llamado Ouacaya, campamento del Indio del mismo nombre, lindando a todas partes con tierras vacantes y del dominio del Rey, en cuyo parage no se halla ninguna otra ocupacion, ni proclamacion de tierra por algun individuo. Que el sexto plano No. 1709, es de tres mil setecientos y sesenta arpanes planos, cituados en el mismo rio de las Perlas, sobre el margen oriental, a once mil y quinientos toesas del mismo antecitado cantil,

llamado Ouacaya, principiando des de dos robles que se hallan en el mismo cantil, subiendo el rio, y lindando a todos lados con tierras vacantes y del dominio real, en cuya divicion tampoco se halla cituada persona alguna. Por tanto y usando de las facultades que me estan cometidas, en nombre del Rey, nuestro señor (Dios le gue.) concedo el enunciado Dn. Geronimo Lachiapella á titulo de venta por la real hacienda, los ciento y veinte mil arpanes de tierra planos, contenidos en los seis planos figurativos, de que se ha hecho expecial explicacion, y se refieren en la certificacion de las medidas y apeos que se han practicado por el agrimensor general Dn. Carlos Trudeau, en los parages citados, y vaxo los linderos, y distancias relacionadas, que para la inteligencia de cada porcion, su conocimiento distincion, y demas circumstancias conducentes constantes de los seis planos comprehensivos de los ciento y veinte mil arpanes de tierra planos se pondran los dobles con este titulo; y en consequencia imparto al indicado Dn. Geronimo Lachiapella, entero y diresto dominio a ellos, para que como propios suyos, y como tierras compradas y pagadas por el mismo a la real hacienda las posea y disponga de ellas à su voluntad; y le doy poder para que aprehenda la posecion de los relacionados ciento y veinte mil arpanes de tierra planos, divididos en seis porciones, y en distintos parages, como queda explicado, y en la que le pongo y amparo sin perjuicio de tercero que mejor derecho tenga, observando y guardando lo dispuesto en la instruccion que sobre tierras formo, y publico esta intendencia en 17 de Julio de 1799, en quanto le comprehendan sus articulos para el debido cumplimiento en la parte que le toque. En fe de lo qual, mandé despachar el presente, firmado de mi mano, sellado con el de mis armas, y refrendado del infrascripto escribano de r'l hac'da, quien como la contaduria pral. tomara la razon. Dado en la Nueva Orleans, a veinte y ocho de Marzo, de mil ochocientos quatro.

[SEAL.] (Signed) JUAN VENTURA MORALES.

Por mdo. del sor. intendent, &c.
(Signed) CARLOS XIMENES.

Por la contaduria pral. de exto. del ministerio de rl. haza., de nuestro cargo se tomo razon del titulo antecedente y he noto al folio 47, del libro destinado a este fin. Nueva Orleans, quatro de Abril de mil ocho cientos quatro.
(Signed) GILBERTO LEONARD.
(Signed) MANUEL ARMIREZ.

Queda tomado razon del titulo antecedente a 167, y siguiente del libro que esta a mi cargo destinado para las de esta clace.
(Signed) CARLOS XIMENES.

(For map see original, page 55.)

Don Carlos Trudeau, agrimensor real y particular, comisionado por el señor intendente para la direction del apeo, y estimacion de las tierras

concedidas a titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el presente plano, copiado de su original, que se halla agregado en los expedientes del asunto, y sentado en la oficina de agrimensura general, en el libro D, No. 4o, folo. 106, y parte del plano No. 1706, y para que conste, doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por la intendencia general de esta provincia, a fecha dies y siete del mes de Julio, de mil setecientos noventa y nueve; de lo que doy fé. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

(For map see original, page 56.)

Don Carlos Trudeau, agrimensor real y particular, comisionado por el señor intendente general, por la direccion del apeo y estimacion de las tierras concedidas a titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el presente plano, copiado de su original, que se halla agregado en el expediente del asunto, y registrado en el libro D, No. 4, folo. 106, y parte del plano No. 1706, y para que conste, doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por esta intendencia, a fecha dies y siete Julio, de mil setecientos noventa y nueve, y doy fé. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

(For map see original, page 57.)

Don Carlos Trudeau, agrimensor real y particular, y comisionado por el señor intendente general, de esta provincia de la Luisiana, para el apeo y estimacion de las tierras concedidas a titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el presente plano, copiado de su original, que se halla agregado en el expediente del asunto, y registrado en la oficina de agremensura general, al libro D, No. 4, folo. 106, y parte del plano 1706, y para que conste, doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por esta intendencia general, a fecha dies y siete del mes de Julio, de mil setecientos noventa y nueve, y doy fé. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

(For map see original, page 58.)

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, comisionado por el señor intendente general, para la direccion del apeo y estimacion del apeo de las tierras concedidas á titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el antecedente plano, copiado de su original, que se halla agregado en el expediente del asunto, y registrado en la oficina de agrimensura general, al libro D, folio 107, en el plano 1707 de los apeos, y para que conste doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por esta intendencia general, a fecha dies y siete del mes de Julio, de mil setecientos noventa y nueve, de que doy fe. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

(For map see original, page 59.)

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c., comisionado por el señor intendente general de esta provincia, para la direccion del apeo y estimacion de las tierras concedidas a titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el antecedente plano, copiado de su original, que se halla agregado en el expediente del asunto, y registrado en la oficiana de agrimensura general, al libro D, No. 4, folo. 108, al plano No. 1708, de los apeos, y para que conste doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por esta intendencia general, a fecha dies y siete del mes de Julio, de mil setecientos noventa y nueve, y doy fé. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

(For map see original, page 60.)

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, comisionado por el señor intendente general, para la direccion del apeo y estimacion de las tierras concedidas a titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.

Certifico, el presente plano, copiado de su original que se halla agregado en el expediente del asunto, y registrado en la oficina de agrimensura general, al libro D, No. 4, folo. 109, al plano No. 1709 de los apeos, y para que conste doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por esta intendencia general, a fecha dies y siete del mes de Julio, de mil setecientos noventa y nueve; de lo que doy fé. Enero dies y siete, de mil ochocientos y quatro años.

(Signed) CARLOS TRUDEAU, *Agr. gen'l.*

Don Carlos Trudeau, agrimr. genl., comisionado por el señor intendente general de esta provincia, para la direccion del apeo y estimacion de las tierras concedidas á titulo de venta, desde el margen oriental del rio Amit hasta el de la Mobila, &c.,

Certifico, que fue medido, lindado, y amojonado a favor de Don Ge-

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ntal del

Don Ge-

ronimo Lachiapella, y con asistancia de Don Celestino Lachiapella, hijo mayor y personero de linteresado, ciento y veinte mil arpanes planos de tierra, en seis divisiones (a saver) segun el plano marcado:

No. 1°, de trenta y tres mil arpanes planos, situados en el distrito que fue de Galvezton, lindado a la parte del norte, parte con el rio Thicfau y tierra vacante, a la parte del sur con el rio San Bernard, a la del este con la tierra hasta que borde la cipriera del lago Maurepas, y a del oeste con tierra del interesado los antedhos. trenta y tres mil arpanes son exclusivos de dos mil quatro cientos y cinquenta arpanes que se hallan ocupados, a saver:

	A.	
Carlos profit - - - - - -	1,000	2,450 Ars.
Pedro Sides e hijos - - - - -	400	
Juan Arman - - - - - -	800	
Silly - - - - - - -	400	

No. 2. El plano No. 2, de veinte y siete mil arpanes planos, situados en el mismo barrio, lindado a la parte del norte con tierras vacantes, a la del sur con el rio San Bernardo, a la del este con tierra del interesado, y a la oeste parte por el bayu Gothele, y tierra vacante; los anteds. veinte y siete mil arpanes son exclusivos a mil nueve cientos y cinquenta arpanes reclamados, a saver:

	A.	
El nombrado Azarete - - - -	1,200	1,950 arpanes.
Juan Brazile - - - - - -	250	
Juan Dias - - - - - -	250	
La Viuda Fauzere - - - - -	250	

No. 3. El plano No. 3, de trenta y quatro mil y quiniens. arpanes planos, situados en el mismo antedo. barrio, lindado a la parte del norte con tierras vacantes, al sur con el rio San Bernardo, al este parte con el bayu Gothelle y tierra vacante, y al sudoeste con el rio Amit; los antedichos trenta y quatro mil y quinientos arpanes son exclusivos de mil y setecientos arpanes ocupados, a saver:

Manuel Dias - - - - - - -	250	1,700 A.
Juan Civery - - - - - - -	250	
Joseph Alame e hijos - - - - -	400	
Pedro Breton - - - - - - -	400	
Pedro Consot - - - - - - -	400	

No. 4. El plano No. 4, de doze mil nueve cientos arpanes planos, situados en el distrito de Santa Helena, lindado a la parte del sur con tierra de Don Thomas Urquhart y vacante, al norte y este con tierras vacantes, y al oeste con la orilla del rio Amit, a como veinte millas de su confluencia con el rio Comit; dichos doze mil y nueve cientos arpanes son exclusivos á setecientos y cinquenta arpanes que se hallan ocupados, a saver:

El nombrado William, padre - - -	250	750 arpanes.
Scheffer, padre - - - - -	250	
Scheffer, el hijo - - - - -	250	

No. 5. El plano No. 5, de ocho mil ochocientos y quarenta arpanes planos, situados en el rio de las Perlas, a principiendo a quatro mil ciento y veinte toesas del cantil llamado Ouacaya, campamiento del Indio del mismo nombre, lindado a todas partes con tierras vacantes y del dominio de S. M.; en esta division no se hallan ingunao cupacion ni reclamacion alguna.

No. 6. El plano No. 6, de tres mil setecientos y sesenta arps. planos, situados en el mismo rio de las Perlas, sobre el margen oriental, a onze mil y quinientos toesas del mismo antedo. cantel, llamado Ouacaya, principiando desde dos robles que se hallan en dho. cantil subiendo el río, lindando en todos lados con tierras vacantes y del dominio de S. M. en esta division no se halla ninguna ocupacion ni reclamacion alguna, y para que todo lo referido conste doy la presente, con los planos figurativos que anteceden quatorze Enero, de mil ochocientos y quatro años.

(Firmados,) CELESTINO LACHIAPELLA y CARLOS TRUDEAU,

Agr. genl.

En el puesto de Galveston oy dia quinze del mes de Enero del presente año, de mil ocho cientos y quatro, en virtud del decreto del señor intendente general, en fecha ocho del mes de Octubre proximo pasado, procedimos á la estimacion y lajacion de los ciento y veinte mil arpanes planos, medidos y lindados a favor de Don Geronimo Lachiapella, por cuyo efecto se nombraron quatro peritos estimadores, a saver, Don Joseph Pereira y Don Michel Masias por parte de la real hacienda, y Don Celestino Lachiapella, hijo y personero de Don Geronimo Lachiapella, nombro por parte del interesado, a Don Agustin Lumbar y Don Joseph Ramirez, quienesipresentes lo acceptn., prometieron, y juraron, proceder fielmente y segun sus entendimientos a la justa y legima taxacion que puede valer el terreno, despues de aver considerado la localidad de los terrenos, sus buenas y malas calidades, tanto con las tierras agregadizas, teniendo presente que las tierras primerosas, y estan ocupadas y reclamadas tanto con titulos formales, decretos del govr. genl., y permiso verbal del Señor de Grandpré, govr., &c.; todos aquellos pretendientes ocupen las tierras de mayor calidad y situacion, de lo que bien informo. dichos quatro apreciados, se consultaron, en presencia de Don Thomas Estevan, comandante del puesto de Galveston, y en presencia de los testigos, Don Phelipe Laroque y Don James Elliot, quando al precio, no se acordaran lo apreceds. los de la parte aviendo puesto el precio de dos y medio sueldos por cada arpan plano, y los de la parte de la real hazienda, el precio de cinco sueldos por cada arpan, y por se acordaron unanimamente al precio de quatro sueldos por cada arpan plano, loque forme el precio total de quatro mil y ocho cientos pesos fuertes, loque visto por Don Celestino Lachiapella, personero del interesado se conformo, recivo como recive desde luego el antedo. terreno, y de el se dio por bien entregado a su voluntad, prometiendo de pagar fielmente en la real caxa, los adteds. quatro mil y ocho cientos pesos

fuertes, en los terminos prescriptos en la ultima providencia del señor intendente general, y en presencia del Señor Don Thomas Estevan, comandante de Galvezton, lo firmo Don Celestino Lachiapella, con los apreciadores y testigos, en el puesto de Galvezton, el dia dies y siete de mil ocho cientos y quatro años.

(Assi firmado,) CELESTINO LACHIAPELLA,
JOSEPH PEREIRA,
MIGUEL MASIAS,
AGUSTIN LUMBAR,
CAYETANO DIAS,
A ruego de JOSEPH RAMIREZ,
PHIL'E. LAROQUE,
JAMES ELLIOT,
THOMAS ESTEVAN.

Y ante mi, CHARLES TRUDEAU, *Agr.*

Certifico la presente copia conforme a los originales que se hallan agregados en el expediente del asunto, y registrado en la oficina de agrimensura general, en el libro D, No. 4, folio y vo. 109, y doy la presente en conformidad de lo prevenido en el articulo XVI, del reglamento formado por la intendencia general a fecha dies y siete Julio, de mil setecientos noventa y nueve, de loque doy fé ut supra.

(Signed,) CARLOS TRUDEAU, *Agr. genl.*

LOUISIANA.

Recorded in the office of the clerk to the commissioner of land claims west of Pearl river and east of the Mississippi, in lib. F, No. 1, fol. 393.

(Signed) CHARLES S. COSBY, *Clerk.*

(*Translation of the foregoing document marked "A, No. 2."*)

Title of property to 120,000 superficial arpents of land in favor of Don Geronimo La Chiapella.

Don Juan Ventura Morales, (contador de exercito) comptroller for the army, indendant and sup. intendant of the province of West Florida, officer entrusted with the adjustment and settlement of the affairs of the royal treasury in Louisiana.

Whereas Geronimo La Chiappella, an inhabitant and merchant of this city, has applied to this tribunal, asking a grant under the title of purchase from the royal treasury of one hundred and twenty thousand superficial arpents of land of the royal possessions, situated between the river Amite and Pascagoula, to form establishments in said places, offering to pay for them at the rate at which they will be valued, and in cash and scrips of the royal treasury; that the reasons assigned and the documents accompanying his request, are of the same nature as others previously presented, and have been submitted to the (senor fiscal) solicitor of the crown, who made no objection to said petition.

By an act of the seventh of October last, I commissioned the surveyor general, Don Carlos Trudeau, in order that he should proceed to make the survey, measurement, and establish the boundaries and valuation of said one hundred and twenty thousand superficial arpents of land, solicited by Don Geronimo La Chiapella in the places mentioned, and agreeably to the formalities prescribed by the senor fiscal, with a view that the necessary orders for the settlement of said purchase might be delivered, ordering him (the surveyor general) to make out the plan and other formalities necessary to establish the amount of said land, so that, on the payment of said amount, a regular title may be given. The survey and measurement of said one hundred and twenty thousand superficial arpents were made (in two portions or parts distinct and separated one from the other, as will be hereafter explained, mentioning the localities, limits, distances, and points of the compass, *is* such a manner as to be well understood by any one, also the number of arpents in each portion) and after explanations and information, given by the surveyor general in relation to said lands, they were valued by the appraisers appointed on behalf of the royal treasury, and of the party in interest, at four cents an arpent, and the proceedings and operations of survey, &c., having been handed and referred to me, I ordered them to be submitted to the senor fiscal of the royal treasury, who, after having had them under consideration, made no opposition to them, found them in conformity to what had been ordered, and was of opinion that the survey and valuation of the one hundred and twenty thousand arpents of land should be approved; and in order that the entire payment of their value, with the (media annata) half yearly tribute, and its transportation to Spain, be made, the proceedings should be sent to the officers of the royal treasury to make out the calculation of the amount due by Don Geronimo La Chiapella. Consequently, by a decree of this date, I have approved the valuation which has been made of the one hundred and twenty thousand superficial arpents of land at four cents an arpent, and ordered that the proceedings be sent to the officers of the royal treasury, in order that the amount agreeably to valuation be established, and on the payment of the whole sum in the royal coffers, including the (media annata) half yearly tribute, and the transportation of said half yearly tribute to Spain, (of which payment the receipt given for the same shall be the evidence,) a regular title of property be delivered; that it results from the papers delivered by the officers of the royal treasury, that said Don Geronimo La Chiapella has paid into the royal coffers the value of the 120,000 superficial arpents of land; also the amount corresponding to the duty of the half yearly tribute and its transportation to Spain, namely, for the first (the value of the land) thirty-eight thousand and four hundred bits of silver, and the second (the half yearly tribute and its transportation) eleven hundred and thirty-three bits of silver, all of which is of evidence by the document to which I refer. I now proceed to explain the six plans, the quantity of land in

each, their limits, and other notes or descriptions made out with a view of being well understood by any one.

The first figurative plan, No. 1706, contains thirty-three thousand superficial arpents, situated in the district formerly "Galveston," bounded on the north in part by the river Tickfaw and vacant lands, on the south by the river San Bernardo, on the east by the highlands and cypress lands of lake Maurepas, on the west by lands of the party in interest and vacant lands. Said thirty-three thousand arpents are part of the 120,000 arpents coming to said Don Geronimo la Chiapella, and are exclusive of two thousand four hundred arpents which in the body of this tract are for the following persons: 1,000 arpents to Don Carlos Proffit, 400 to Pedro Sides & Son, 800 to Juan Aleman, and 250 to Selly.

The second plan, also No. 1706, contains twenty-seven thousand superficial arpents, situated in the same district of Galveston, bounded on the north by vacant lands, on the south by the river San Bernardo, on the east by lands of the party in interest, and on the west by the bayou Gothel and vacant lands; said twenty-seven thousand arpents are exclusive of nineteen hundred and fifty arpents coming to the following persons: 1,200 to Azareto, 250 to Widow Tauseré, 250 to Brazil, and 250 to Juan Diaz, comprised in the whole body of this tract.

The third plan, bearing also No. 1706, contains thirty-four thousand five hundred arpents (superficial) exclusive of 1,700 arpents in the body of this tract, and belonging to the following persons: 250 to Manuel Diaz, 250 to Juan Civery, 400 to Jose Aleman & Son, 450 to Pedro Consot, and 400 to Pedro Breton; said portion or tract is bounded on the north by vacant lands, south by the river San Bernardo, east partly by the bayou Gothel and vacant lands, and on the southwest by the river Amite, and is also situated in the district of Galveston.

The fourth plan, No. 1707, contains twelve thousand nine hundred superficial arpents, situated in the district of St. Helena, bounded on the north and east by royal and vacant lands, on the south, partly by the lands of Don Thomas Urquhart, and others vacant, on the west by the bank of the river Amite, and at about 20 miles of the confluence of the river Comite, which 12,900 are exclusive of 750 belonging to the following persons: 250 arpents to each, Williams & Son, Scheffer, sen'r, and Sheffer, jun'r.

The fifth plan No. 1708, of eight thousand eight hundred and forty superficial arpents, situated on Pearl river, commencing at 4,120 toises of the place called "Ouacaya," encampment of the Indians of said name, bounded on all sides by vacant lands of the domains of the King, in which district there are no settlements or claims or demands for lands.

The sixth plan, bearing No. 1709, contains three thousand seven hundred and seventy superficial arpents, situated on said Pearl river and on the east bank, at 11,500 toises of said place called "Ouacaya," commencing at or from 2 oak trees (robles) on said place, up the river, bounded on all sides by vacant lands of the domains of the King, in which district there are also no settlements.

Therefore in virtue of the power delegated to me, and in the name of the King, (whom may God preserve) I grant to said Don Geronimo la Chiapella, under title of sale from the royal treasury, the 120,000 superficial arpents comprised in the six figurative plans, of which special explanation or mention has been made in the proceedings of survey and measurement which have been made by the surveyor general Don Carlos Trudeau, in the places, limits, and distances mentioned; and for a correct knowledge of each portion of land, and other informations contained in the six plans comprising the 120,000 superficial arpents, duplicates of said plans shall be annexed to this title. Consequently, I impart to said Don Geronimo la Chiapella entire and clear sovereignty over said lands, so that as his own property, from having purchased and paid for them to the royal treasury, he may hold and dispose of them at his will, and I do authorize him to take possession of said 120,000 superficial arpents in six portions and distinct localities, as has been explained, in which possession I now place him without prejudice to any third party who might have a better right; observing and complying with what is prescribed in the ordinance relative to lands, which was made and published by this intendency on the 17th of July, 1799, of which ordinance he will inform himself in order to comply with it. In faith of which I have given these presents, signed with my hand, sealed with the seal of my arms, and countersigned by the undersigned, notary of the royal treasury, who as well as the (contaduria pral.,) princ. comptroller, will register the same. Given in New Orleans, on the twenty-eighth day of the month of March, eight hundred and four.

(Signed,) JUAN VENTURA MORALES,

By order of his excellency the intendant general.

CARLOS XIMENES.

The above title has been registered in page 47, of the book for that purpose in the (contaduria pral. de exercito del ministro de real hacienda,) principal auditorship for the army and of the royal treasury, under our charge.

New Orleans, four of April, eighteen hundred and four.

GILBERTO LEONARD,
MANUEL RAMIREZ.

The above title has been registered at folio 67 and the following, of the book under my charge, and for that object.

CARLOS XIMENES.

Certificate of Don Carlos Trudeau, under plan No. 1; *for the plan see page* 55 *of this transcript.*

I, Don Carlos Trudeau, special and royal surveyor, commissioned to direct the surveys and valuations of lands, conceded under titles of sales, from the east bank of the river Amite to that of Mobile, &c., hereby certify, that the above plan is a true copy of the original which is annexed to the proceedings which have taken place in relation to

this transaction; which plan is registered in the office of surveys and measurements in book D, No. 4, folio 106, and is part of plan No. 1706, and as evidence thereof I give these presents, in conformity to what is prescribed in the article XVI, of the regulations established by the general intendency on the 17th of the month of July, 1799; all of which I certify this 17th January, 1804.

CARLOS TRUDEAU, *Surveyor*.

Certificate of the same, under plan No. 2; for the plan see page 56 of this transcript.

I, Don Carlos Trudeau, special and royal surveyor, commissioned by his excellency the intendant general, to direct the surveys and valuations of lands, conceded under titles of sales, from the east bank of the river Amite to that of Mobile, &c., do hereby certify, that the above plan is a true copy of the original which is annexed to the proceedings which have taken place in relation to this transaction; which plan is registered in book D, No. 4, folio 106, and part of plan, No. 1706; and as evidence thereof, I give these presents, in conformity to what is prescribed in the article XVI of the regulations established by the general intendency on the 17th day of the month of July, 1799; all of which I certify this 17th January, 1804.

CARLOS TRUDEAU, *Surveyor*.

Certificate of the same, under plan No. 3; for the plan see page 57 of this transcript.

I, Carlos Trudeau, special and royal surveyor, commissioned by his excellency the intendant general of the province of Louisiana, to attend and direct the surveys and valuations of lands, conceded under titles of sales from the east bank of the river Amite to that of Mobile, &c., do hereby certify, that the above plan is a true copy of the original which is annexed to the proceedings, which have taken place in relation to this transaction; which plan is registered in the office of surveys and measurements in book D, No. 4, folio 106, and is part of plan, No. 1706; and as evidence thereof, I give these presents, in conformity to what is prescribed in article XVI of the regulations established by the general intendency on the 7th day of the month of July, 1799; all of which I certify this 17th January, 1804.

CARLOS TRUDEAU, *Surveyor*.

Certificate of the same, under plan No. 4; for the plan see page 58 of this transcript.

I, Carlos Trudeau, special and royal surveyor of the province of Louisiana, commissioned by his excellency the intendant general, to attend and direct the surveys and valuations of lands, conceded under titles of sales, from the east bank of river Amite to that of Mobile, &c., do certify, that the above plan is a true copy of the original, which is

annexed to the proceedings which have taken place in relation to this transaction; which plan is registered in the office of general surveys and measurements, in book D, No. 4, folio 107, plan No. 1707; and as evidence thereof I give these presents, in conformity to what is prescribed in the article XVI of the regulations established by the general intendency, on the 17th day of the month of July, 1799; all of which I certify this 17th day of January, 1804.

CARLOS TRUDEAU, *Surveyor.*

Certificate of the same, under plan No. 5; for the plan see page 59 of this transcript.

I, Carlos Trudeau, special and royal surveyor of the province of Louisiana, and commissioned by his excellency the intendant general, to attend to and direct the surveys and valuations of lands, conceded under titles of sales, from the east bank of the river Amite to that of Mobile, &c., do hereby certify, that the above plan is a true copy of the original, which is annexed to the proceedings which have taken place in relation to this transaction; which plan is registered in the office of general surveys and measurements, in book D, No. 4, folio 108, plan 1708; and as evidence thereof I give these presents, in conformity to what is prescribed in the article XVI of the regulations established by the general intendency, on the 17th day of the month of July, 1799; all of which I certify this 17th day of January, 1804.

CARLOS TRUDEAU, *Surveyor.*

Certificate of the same, under plan No. 6; for the plan see page 60 of this transcript.

I, Don Carlos Trudeau, special and royal surveyor of the province of Louisiana, and commissioned by his excellency the intendant general, to attend and to direct the surveys and valuations of lands, conceded under titles of sales, from the east bank of the river Amite to that of Mobile, &c., do hereby certify, that the above plan is a true copy of the original, which is annexed to the proceedings which have taken place in relation to this transaction; which plan is registered in the office of surveys and measurements in book D, No. 4, folio 109, plan 1709; and as evidence thereof I give these presents, in conformity to what is prescribed in the article XVI of the regulations established by the general intendency, on the 17th day of the month July, 1799; all of which I certify this 17th January, 1804.

CARLOS TRUDEAU, *Surveyor.*

I, Don Carlos Trudeau, surveyor general and commissioned by his excellency the intendant general of the province of Louisiana, to attend to and direct surveys and valuations of lands granted under the titles of sales, from the east bank of the river Amite to that of Mobile, &c., do hereby certify, that there were surveyed, measured, and the limits marked with stakes, in favor of Don Geronimo Lachiapella, in presence of and with the assistance of Don Celestino Lachiapella, eldest son, and agent of the party in interest, one hundred and twenty thousand superficial arpents of land in six divisions or tracts, namely:

Plan No. 1, of thirty-three thousand superficial arpents, situated in the district formerly Galveston, bounded on the north partly by the river Tickfaw and vacant lands; on the south by the river St. Bernard; on the east by the highlands adjoining the cypress lands of lake Maurepas; and on the west by lands of the party in interest and vacant lands; said 33,000 arpents are over and above of 2,450 arpents occupied by the following persons, to wit:

Don Carlos Proffit	1,000	2,450 arpents.
Pedro Sides & Son	400	
Juan Aleman	800	
Selly	250	

Plan No. 2, of twenty-seven thousand superficial arpents, situated in the same district, bounded on the north by vacant lands; on the south by the river St. Bernard; on the east by lands of the party in interest; and on the west by the bayou Gothel and vacant lands; said 27,000 arpents are exclusive of 1,950 arpents petitioned for by the following persons:

Azarete	1,200	1,950 arpents.
Widow Talfere	250	
Juan Brazile	250	
Juan Dias	250	

Plan No. 3, of thirty-four thousand five hundred superficial arpents, in the same district, bounded on the north by vacant lands; south by the river San Bernardo; on the east partly by the bayou Gothel and vacant lands; and on the southwest by the river Amite; said 34,500 arpents are exclusive of 1,700 arpents occupied by the following persons, to wit:

Manuel Diaz	250	1,700 arpents.
Juan Ceverey	250	
Jose Aleman & Son	400	
Pedro Burton	400	
Pedro Consot	400	

Plan No. 4, of twelve thousand nine hundred superficial arpents, situated in the district of St. Helena, bounded on the south partly by the lands of Don Thomas Urquhart and others, vacant; on the northeast by vacant lands; and on the west by the bank of the river Amite, and at about 20 miles of its confluence with the river Comite; said 12,900 arpents are exclusive of 750 arpents occupied by the following persons, to wit:

William & Son	250	750 arpents.
Scheffer, sen'r	250	
Scheffer, jr.	250	

Plan No. 5, of eight thousand eight hundred and forty arpents (superficial) situated on Pearl river, commencing at 4,150 toises of the place called "Ouacaya," encampment of the Indians of said name; bounded on all sides by vacant lands of the domains of his Majesty. In this section there exist no settlements, nor claims or demands.

Plan No 6, of three thousand seven hundred and seventy sup. arpents, situated on the said mentioned Pearl river and on the east bank, at 1,150 toises of said place, called Ouacaya, commencing at or from 2 oak trees (robles) on said place, up the river, bounded on all sides by vacant lands of the domains of his Majesty. In this section there exist no settlements, nor claims, or demands; and in order to give authenticity to what precedes, I give these presents with the foregoing figurative plans, on the fourteenth day of January, eighteen hundred and four.

(Signed) CELESTINO CHIAPELLA, and
CARLOS TRUDEAU, *Surveyor.*

In the post of Galveston, on this fifteenth day of January, of the present year 1804. In virtue of the decree of the intendant general, dated 8th of October last, we proceeded to the appraisement of the 120,000 arpents of land, measured and surveyed in favor of Don Geronimo La Chiapella, represented in the foregoing six plans, for which object four appraisers have been appointed; two on behalf of the royal treasury, to wit: Don José Pereira and Don Miguel Masias, and two appointed by Celestino Lachiapella, eldest son, and the agent of the party in interest, on behalf of said party in interest, to wit, Don Augustin Lombardo and Don José Ramirez, all inhabitants of the post of Galveston, who being present, did accept and swear that they would proceed faithfully and to the best of their knowledge to the just and equitable appraisement of said lands; and after taking into consideration their localities, good and bad qualities, those that are sandy and barren, and other circumstances; also that those of good qualities, surrounded by this large concession, are already claimed and occupied, either under legal titles, decrees of the government general, or permissions of his excellency Don Carlos de Grand Pré, colonel and governor of said territory; and that said claimants are in possession and in the occupancy of the lands of the best qualities and localities, said four appraisers being well aware and convinced of these facts, met in the presence of Don Thomas Estevan, commandant of Galveston, and of the witnesses, Don Felipe de la Roque and Don James Elliot; when they, said appraisers, did not agree; those appointed on behalf of the party in interest putting the value at two and a half cents per sup. arpent; and those on behalf of the royal treasury at the value of five cents per superficial arpent; and finally they agreed on the price of four cents per sup. arpent, making a total sum of four thousand eight hundred dollars for the 120,000 arpents; which valuation being submitted to Don Celestino La Chiapella, the agent of the party in interest, he agreed to; receiving, as he now receives said lands, acknowledging the delivery thereof to his satisfaction, binding himself to pay faithfully in the King's treasury said sum of four thousand eight hundred dollars, agreeably to the terms prescribed in the last decree of his excellency the intendant general; and in the presence of Don Thomas Estevan, commandant of Galveston, Don Celestin Lachiapella, agent of the party in interest, did sign this, with

the appraisers and witnesses, in the post of Galveston, on the 17th of January, 1804.—Celestino Lachiapella, Jose Pereira, Miguel Masias, James Elliot, at the request of Jose Ramirez, Cayetano Diaz, Augustino Lombardo, Felipe Laroque, Thomas Estevan, and before me,
CARLOS TRUDEAU.

I certify that the foregoing are true copies of the originals, which are annexed to the proceedings which have taken place in relation to this transaction, and are enregistered in the office of surveys and measurements, in book D, No. 4, folio 109, and I give these presents in conformity to what is prescribed in article XVI of the rules established by the intendancy general on the 17th of July, 1799. Date as above.
CARLOS TRUDEAU, *Surveyor*.

Document marked "A, No. 3," made part of the petition, purporting to be the ratification of the King of Spain of the titles to land in the district of Baton Rouge, in West Florida; which document is in the words and figures following, to wit:

En real orden de esta fecha, comunico al gobernador de esa provincia loque signe. El rey se ha servidor resolver en vista de la carta de VS. de 31 de Agosto, del año passado, No. 3, dirigida al señor principe de la paz, y otra del intendente interino de esa provincia, de 16 de Octubre, del mismo, No. 174, relativas á la facultad de conceder y repartir tierras realengas en el distrito de su mando, cuyo privilegio estaba radicado en el gobierno politico y militar, desde la real orn. de 24 de Agosto, de 1774, que por consideraciones del mejor servicio y exacto arreglo de lo mandado en el articulo 81 de la real ordenanza de intendentes de Nueva Espana; se reintegre y sea privativo a la intendencia de esa provincia, el derecho de conceder y repartir toda clase de tierras con inhibicion de otra autoridad en los terminos legales que previere las leyes; debiendo quedar por consequencia derogado y suprimida la facultad que residia antes en el gobierno para estas gracias, las quales seguiran en lo succesivo a cargo de la intendencia, traslado a vmd. esta real resolucion para su intelligencia y respectivo complimiento. Dios gue. a Vms. as. San Lorenzo, 22 de Octubre, de 1798. SOLER.
Senor intendente interino de la Luisiana.

El rey se ha servido aprobar que vmd. haya despuesto la venta de algunas tierras realengas en el distrito de Baton Rouge, con acuerdo de los comisarios de S. M. para la entegra de esa provincia. Y lo aviso á vmd. de real orn. para su intelligencia en contestacion á su carta de 5 de Deciembre, del año proximo pasado, No. 265. Dios gue. a vmd. ms. vs. Aranjuez, 29 de Mayo, de 1804. SOLER.
Senor Don Juan Ventura Morales.

Enterado el rey de lo que vmd. expone en su carta reservada de 31 de Julio proximo, pasado No. 48, en la que da cuenta de que el comandante de Panzacola, Don Vicente Folch, habia mandado al gobernador de Baton Rouge, que desde el dia 20 de Junio, no permitiese hacer apeos

de tierras sin su orden, ni que se diese posecion de las vendidas, por la intendencia desde el 18 de Mayo, de 1803, de lo qual se siguen los perjuicios de vmd. expresa ha resuelto S. M. que se comunique á dicho comandante como lo executo con esta fecha, lo dispuesto en las reales ordenes de 22 de Octubre, de '98, 14 de Noviembre, de '99, y 29 de Mayo, de '804, declarando por consequencia qui vmd. debe continuar hasta su conclusion los expedientes que haya pendientes sobre ventas de tierras, y los demas que puedan ocurrir y espera que vmd. con su notorio zelo, procurara sacar de este ramo todas las ventajas posible á favor de rl. erario. Fedo lo qual participe á vmd. de orden de S. M. para su inteligencia. Dios gue. a vmd. ms. as. Aranjuez, 20 de Febrero, de 1805. SOLER.

Sor. intendente interino de la Luisiana.

Las tres copias que anteceden son conformes á las real ordenes que existen en los archivos de la secretaria de la intendencia gral. de esta provincia, que esta á mi cargo de que certifico; y se saca esta en virtud de lo dispuesto por el señor ministro encargado de los asuntos de la hacienda *nacional* nacional, de ella para entregan á Don Pedro de Alva, hijo, apoderado de Don Juan McDonogh. Panzecola, primero de Junio, de mil ochocientos trece.

(Signed) FRAN. GUTIERRES DE ARROYO.

Don Antonio Cabarras, ministro pral. de exto., y hacienda primer contador de primera clase del departamento de rezagos en el tribunal superior de cuentas de la Havana, juez comisionado y encargado de todos los asuntos de la hacienda publica en esta provincia de la Florida occidental, y del despacho de la intendencia de ella.

Certifico que la firma que antecede de Don Francisco Gutierrez de Arroyo, secretario de esta intendencia, es la que usa y acostumbra en todos sus escritos de oficio, y particulares por la que se le da entera fe y credito, y para que couste doy la presente firmado de mi mano sellada con mi cifra, y refrendada por el mismo secretario en Panzacola, á primero de Junio, de mil ochocientos y trece.

(Signed) ANTONIO CABARRAS.
[SEAL.] " FRAN. GUTIERREZ DE ARROYO.

(*Translation of the foregoing document marked "A, No. 3."*)

By royal order of this date, I hereby communicate to the governor of this province the following:

The King has been pleased to ordain, in view of your letter of the 31st August of last year, No. 3, addressed to his lordship, the Prince de la Paix, and of another from the provisional intendant of this province, dated the 16th October of the same year, No. 174, both relative to the faculty of granting and locating royal lands in the district under your jurisdiction; which privilege was before vested with the political and military government, since the royal decree of the 24th August, 1774: That for the better accomplishment of, and exacter conformity to, the tenor of the 81st article of the royal ordinance relative to intendants of

New Spain, the right of granting and locating all sorts of lands be re-invested with, and be proper to the intendancy of this province, free from the interference of any other authority in the proceedings as prescribed by law; therefore remains null and void the faculty which before vested with the government in such cases, which for the future shall remain to the charge of the intendancy. I transmit to you this royal resolution for your information and its proper execution. So keep you God for many years. SOLER.

San Lorenzo, 22d, October, 1798.

To the provisional intendant of Louisiana.

The King has been pleased to approve of your having disposed of the sale of certain royal lands in the district of Baton Rouge, in concert with the commissioners of his majesty, for the transfer of this province; and I do inform you thereof, by royal order, for your line of conduct, in answer to your letter of the 5th of December of last year, No. 265. So keep you God for many years. SOLER.

Aranjuez, 29th May, 1804.

To the Sor. Dn. JUAN VENTURA MORALES.

The King being apprised of the purport of your private letter of the 31st of July of last year, No. 48, in which you mention the fact of the commandant of Pensacola, Dn. Vicente Folch, having ordered to the governor of Baton Rouge not to permit, from the 20th June, any survey of lands without his authorization, and not to give possession of those sold by the intendancy since the 18th of May, 1803, from which measure have resulted the injuries you relate, his Majesty has resolved to cause to be communicated to said commandant, as I do communicate to him by my letter of same date, the provisions of the royal decrees of the 22d October, 1798, 14th November, '99, and 29th May, 1804. Therefore you are to continue, until final conclusion, the proceedings that may be pending relative to sales of lands and such other measures as the case requires. And I hope that with your well known zeal you will get out of this branch of revenue all possible advantages in favor of the royal treasury. The whole of which I communicate to you by order of his Majesty, for your direction. So keep you God for many years. SOLER.

Aranjuez, 20th February, 1805.

To the provisional intendant of Louisiana.

The three foregoing copies are conformable to the royal decrees extant in the archives of the secretary's office, of the intendency general of this province, now in my charge. In testimony whereof I grant these presents, by virtue of the decision of the sor. minister charged with the affairs of the national domain of said province, and at the request of Dn. Pedro de Alva, jr., attorney in fact of Mr. John McDonogh. Pensacola, the 1st of June, eighteen hundred and thirteen.

(Signed) FRAN'CO GUTIERREZ DE ARROYO.

I, Don Antonio Cabarras, chief minister of the army and domain, first treasurer of first class of the department of liquidation in the superior tribunal of accounts of Havana, judge, commissioned and charged with all the affairs of the public domain in this province of West Florida, and with those of the intendency thereof:

Do hereby certify, that the signature which precedes is that of Dn. Fran'co Gutierrez de Arroyo, secretary of this intendancy, and the same which he uses in all his public and private writings, full faith and credit being given thereto. In testimony whereof I grant the present, signed by me, sealed with my cypher, and countersigned by the said secretary at Pensacola, the 1st of June, eighteen hundred and thirteen.

[L. S.] (Signed) ANTONIO CABARRAS,
FRAN'CO GUTIERREZ DE ARROYO.

Document marked "A, No. 4," made part of the petition, purporting to be a certified copy of the cession of G. Lachiapella to J. McDonogh and S. Brown, dated the 17th of May, 1804, which document is in the words and figures following, to wit:

Cession.

Anjourd'hui dix septieme jour de May, de l'année mil huit cent quatre la vingt huitiéme de l'independence Amèricaine apris midy.

Pardevant nous, Pierre Pedesclaux, notaire public des Etats Unis d'Amérique, à la Nouvelle Orleans, capitale de la Louisiane:

Fut présent le Sieur Jerome Lachiapella, negotiant en cette ville y demeurant paroisse de St. Louis.

Lequel de son bon gré, propre mouvement et pure volonté a par ces présentes cédé, quitté, et transporté, purement et simplement aux Sieurs Jean McDonogh et Shepherd Brown, du commerce de cette ville, cy presents et acceptans.

Soixante mille arpens de terre, faisant moitié de cent vingt mille arpens de superficie, a lui vendus par le gouvernement Espagnol, le vingt huit Mars dernier, ainsi qu'il conste des titres et plans qu'il nous a présente dûment en forme signés et scellés; les dits cent vingt mille arpens de terre situés entre les rivières Amite et Pascagoulas, ainsi qu'il resulte des dits plans et titres.

La présente cession faite et acceptée entre les parties sous la clause et condition de jouir ensemble et indivisement des dits cent vingt mille arpents de terre en société, sans pouvoir ni l'un ni l'autre, en aliener partie sans le consentement expresse de son associé, et en outre pour et moyennant le prix et somme de cinq mille sept cent piastres gourdes, moitié du prix d'echat des dits cent vingt mille arpens de terre, aujourd'huy en société entre les parties; laquelle ditte somme les dits sieurs cessionnaires ont présentement et à vue de nous notaire soussigné, compté et payé en espèces sonnantes du poinçon Mexicain, au dit sieur cedant, qui les a prises et serrées s'en est contenté, en a quitté, en quitté les

dits sieurs, qui au moyen des presentes, demeurent proprietaires indivisiblement avec le dit sieur cédant, et conjointement avec lui des dites cent vingt mille arpens de terre precités; car ainsi, et obligeant, et renonçant, et promettant, et dont acte, et jugé de leur consentement.

Fait et passé en notre etude à la Nouvelle Orleans, les jour et an que dessus, en présence des Sieurs Jean Baptiste Ramirez et Joaquim Lozano, temoin demeurant en cette ville, qui ont signés ainsi que les parties, en presence de nous, notaire soussigné.

La minute est signé Geronimo Lachiapella, John McDonogh, jr., et Co., Jean Baptiste Ramirez, et Joaquim Lozano, et de nous, notaire soussigné, en l'etude duquel elle est restée.

[SEAL.] (Signed) PIERRE PEDESCLAUX,
Notaire.

(*Translation of the foregoing document marked "A, No.* 4.")

Cession.

This day, the seventeenth day of May, of the year eighteen hundred and four, the twenty-eighth of American independence, afternoon, before us, Pierre Pedesclaux, notary public for the United States of America, at New Orleans, capital of Louisiana.

Was present Mr. Jerome Lachiapella, merchant of this city, residing therein, parish of St. Louis, who of his own accord, impulse, and pure will, has by these presents ceded, yielded, and transferred, purely and plainly, unto Messieurs John McDonogh and Shepherd Brown, of this city, here present and accepting, sixty thousand arpents of land, forming the half of one hundred and twenty thousand arpents of the superficie to him sold by the Spanish government, on the twenty-eighth of March last, as it appears by the titles and plans which he has presented to us in due form, signed and sealed; the said one hundred and twenty thousand arpents of ground, situated between the Amite and Pascagoulas rivers, as it results from said plans and titles. The present transfer is made and accepted between the parties under the clauses and conditions to enjoy the said one hundred and twenty thousand arpents of land together undividedly, in co-partnership, without having power, neither one nor the other, to alienate any part thereof without the express consent of his partner; and moreover, for the price and sum of five thousand seven hundred dollars, half of the price of the purchase of said one hundred twenty thousand arpents of ground, this day in co-partnership between the parties; which said sum the said Messrs. purchasers have presently and in sight of us, undersigned notary, counted and paid in ready money, in Mexican coin, to the said seller, who has taken and kept the same, and is satisfied, and has acquitted and acquits the said purchasers, who by reason thereof remain proprietors of the said one hundred and twenty thousand arpents of land indivisibly with the said seller and conjointly with him; and so obligating and &c., renouncing and &c., promising and &c.; which act is passed with their consent.

Done and passed in our office, at New Orleans, the day and year as above, in presence of Messieurs Jean Baptiste Ramirez and Joachim Lozano, witnesses residing in this city, who have signed, as also the parties in presence of us, notary undersigned.

The original is signed:

GERONIMO LACHIAPELLA,
JOHN McDONOGH, JUN'R, & CO.,
JEAN BAP'TE RAMIREZ, and
JOAQUIM LOZANO.

And as notary undersigned, in whose office it remained.

PIERRE PEDESCLAUX, [SEAL.]
Nre.

Document marked "A, No. 5," made part of the petition, purporting to be a certified copy of a sale by Lachiapella, Brown, and McDonogh, to William Donaldson, of 120,000 arpents of land, under date of the 11th of December, 1805, which document is in the words and figures following, to wit:

Vente au comptant.

Aujourd'hui onzième jour du mois de Decembre, de l'année mil huit cent cinq, la trentième de l'independance Americaine.

Pardevant nous, Pierre Pedesclaux, notaire public des Etats Unis d'Amerique, à la Nouvelle Orleans, capitale du Territoire d'Orleans.

Furent presents les Sieurs Dominique Langorant, Modeste Lefevre, Shepherd Brown, et Jean McDonogh, jeune, tous demeurants en cette ville.

Lesquels, les deux premiers comme fondés des pouvoirs du Sieur Gerome Lachiapella, selon acte à notre rapport en date du six Mai dernier, lequel pouvoir ils ont prété le serment requis par la loy ne leur être revoqué, et les deux seconds comme propriétaires, ont par ces presentes cedés, quittés, et transportés, purement et simplement:

Au Sieur Guillaume Donaldson, neg't demeurant en cette ditte ville, cy présent et acceptant pour lui, ses hoirs ou ayant causes.

Les terres suivants formant en tout cent vingt mille arpents situés entre les rivières Amit et Pascagoulas, le tout conformement aux plans que les vendeurs ont délivré à l'acquereur, sous les numeros et quantités d'arpens suivants: No. 1706, ayant trente trois mille arpens; No. 1706, ayant vingt sept mille arpens; No. 1706, ayant trente quatre mille cinq cent arpens; No. 1707, ayant douze mille neuf cent arpens; No. 1708, ayant huit mille huit cent quarante arpens; No. 1709, ayant trois mille sept cent soixante arpens, appartenants au sieurs vendeurs, soixante mille arpens pour avoir été concedés au constituant des dits Sieurs Dominique Langorant et Modeste Lefevre, par le Sieur Jean Ventura Morales, en date du vingt huit Mars, mil huit cent quatre; et les autres soixante mille arpens, au Sieurs Shepherd Brown et Jean McDonogh, jeune, pour les avoir acquis du dit Sieur Gerome Lachia-

pella par acte à notre rapport, en datte du dix sept Mai, mil huit cent quatre.

Les dits cent vingt mil arpens de terre, cy-dessus vendus, tels qu'ils se poursuivant et comportent, avec tous ses droits, issus, usages, et servitudes, et tels qu'en ont jouir les vendeurs, sans en rien reserver ni retenir; lesques cent vingt mille arpens de terre, l'acquereur a dit connoitre et dont il est content.

La présente vente faite et acceptée entre les parties aux clauses et conditions cy-dessus, et en outre pour et moyennant le prix et somme de trente mille piastres, que le sieurs vendeurs reconnoient avoir reçu comptant de l'acquereur qu'ils ont quitté et quitté, se sont desisté et separé de tous leurs droits de propriété, sur les cent vingt mille arpens de terre, cy-dessus vendus en faveur de l'acquereur, qu'ils en ont saisi et revetu pour par lui en jouir, faire, et disposer à sa volonté, comme de chose à lui appartenant des maintenants et à toujours, et en prendre possession quand bon lui semblera; car ainsi, etc., obligeant, etc., renonçant, etc., promettant, etc., soumettant, etc. Dont acte et juge de leur consentement.

Fait et passé en notre etude à la Nouvelle Orleans, les jour et an que dessus, en présence des Sieurs Jean Baptiste Ramirez et Joachim Lozano, temoins qu'ont signés, ainsi que les parties avec nous, notaire.

La minute est signé: Dominique Longurand, par Pon. de G. Lachiapella, M'te Lefevre, Shepherd Brown, John McDonogh, jr., Wm. Donaldson, J. B. Ramirez, Joaq'n Lozano, et de nous, notaire soussigné, au pouvoir duquel elle est resté.

[SEAL.] (Signed) PIERRE PEDESCLAUX,
Notaire.

(*Translation of document marked "A, No. 5.*)

Cash sale.

This day, the eleventh day of the month of December, in the year eighteen hundred and five, the thirtieth of the American independence:

Before us, Pierre Pedesclaux, notary public for the United States of America, at New Orleans, capital of the territory of Orleans—

Were present, Messieurs Dominique Langorant, Modeste Lefevre, Shepherd Brown, and John McDonogh, junior, all residing in this city.

The two first as attorneys in fact of Mr. Gerome Lachiapella, according to power in our office, under date of the sixth of May last, which power has not been revoked, as they have sworn, and the two last as proprietors, which appearers have by these presents ceded, yielded, and transferred, purely and plainly:

Unto Mr. William Donaldson, merchant, residing in this said city, present and accepting, his heirs and assigns, the following lands, forming in all one hundred and twenty thousand arpents, situated between Amit and Pascagoulas rivers; the whole in conformity with the plans delivered by the said sellers to the purchaser, under the numbers and quantities of arpents as follows, viz., No. 1706, having thirty-three

thousand arpents; No. 1706, having twenty-seven thousand arpents; No. 1706, having thirty-four thousand five hundred arpents; No. 1707, having twelve thousand nine hundred arpents; No. 1708, having eight thousand eight hundred and forty arpents; No. 1709, having three thousand seven hundred and sixty arpents, belonging to the sellers; sixty thousand arpents having been ceded to the constituent of said Dominique Langorant and Modeste Lefevre, by Mr. Jean Ventura Morales, under date of the twenty-eighth March, eighteen hundred and four; and the other sixty thousand arpents to Mr. Shepherd Brown and John McDonogh, for having acquired the same from said Mr. Gerome Lachiapella, by act, in our office, under date of the seventeenth of May, eighteen hundred and four.

The said one hundred and twenty thousand arpents of ground above sold as they now stand, with all rights, ways, usages, and servitudes, as the settlers have enjoyed them, without reserve nor exception; which one hundred and twenty thousand arpents are well known to the purchaser, who is satisfied with the same.

The present sale is made and accepted between the parties under the clauses and conditions as above, and moreover for the price and sum of thirty thousand dollars, which the sellers acknowledge to have received in ready money from the purchaser, for which they acquitted and acquit, desist, and part with all their rights of property in and to the one hundred and twenty thousand arpents of land herein above sold, in favor of the purchaser, so that he may enjoy, do, and dispose of the same, according to his will, as property to him belonging now and forever, and take possession when he shall think fit; so obligating, &c., renouncing, &c., promising, &c., consenting, &c.; which act is passed with their consent.

Done and passed, in our office, at New Orleans, the day and year as above, in presence of Messieurs Jn. Bte. Ramirez, and Joachim Lozano, witnesses, who have signed, as also the parties, and with us, notary.

The original is signed, Dominique Longurant, par pro. de G. Chiapella, Mte. Lefevre, Shepherd Brown, John McDonogh, junr., Wm. Donaldson, J. B. Ramirez, Joaqn. Lozano, and us, notary, in whose keeping it remained.

[SEAL.] PIERRE PEDESCLAUX, *N're.*

Document marked "A, No. 6," made part of the petition, being a certified copy of a deed of sale from William Donaldson to Brown & McDonogh, of the 120,000 arpents of land, under date of the 2d of January, 1806, which document is in the words and figures following, to wit:

Vte. au compt.

Aujourd'huy deuxiéme jour du mois de Janvier, de l'année mil huit cent six, la trentième de l'independance Americaine.

Pardevant nous, Pierre Pedesclaux, notaire public des Etats Unis d'Amerique à la Nouvelle, capitale du territoire d'Orléans.

Fut présent le sieur Guillaume Donaldson, negt., demeurant en cette ville, lequel a pur ces présentes, de son bon gré, propre mouvement, et pure volonté, quitté, et transporté, purement et simplement, au sieurs Sheperd Brown et Jean McDonogh, jeune, negts., demeurants en cette ditte ville, cy presents et acceptans pour eux, leurs hoirs ou ayant causes, les terres suivants formant en tout cent vingt mille arpens, situés entre les rivières Amit et Pascagulas, le tout conformement aux plans que le vendeur a delivré aux acquereurs, sous les numeros et quantités d'arpens, suivants: No. 1706, ayant trente trois mille arpens; No. 1706, ayant vingt sept mille arpens; No. 1706, ayant trente quatre mille cinq cent arpens; No. 1707, ayant douze mille neuf cent arpens; No. 1708, ayant huit mille huit cent quarante arpens; No. 1709, ayant trois mille sept cent soixante arpens, appartenants au sr. vendeur, pour les avoir acquis des srs. Domini Langorant & Modeste Lefevre, fondés des pouvoirs du sr. Gerome Lachiapella et des acquereurs, par acte a notre rapport, en datte du onze Decembre de l'année dernière.

Les dits cent vingt mille arpens de terre, cy-dessus vendus, tels qu'ils se poursuivent et comportent avec tous ses droits, issus, usages, et servitudes, et tel qu'en à jouir le vendeur, sans en rien reserver ni retenir, lesquels cent vingt mille arpens de terre les acquereurs ont dit connaitre, et dont ils sont content.

La presente vente faite et passée entre les parties aux clauses et conditions, cy-dessus, et en outre pour et moyennant le prix et somme de trente cinq mille piastres gourdes, que el sr. vendeur reconnoit avoir reçu comptant des acquereurs, qu'il a quitté et quitte, s'est desisté, et séparé de tous ses droits de proprieté sur les cent vingt mille arpens de terre cy-dessus vendu, en faveur des acquereurs qu'il en a saisi et revetu pour par eux en jouir, faire, et disposer, à leur volonté, comme de chose à eux appartenant des maintenant et à toujours, et en prendre possession quand bon leur semblera; car ainsi, &c., obligeant, &c., renonçant, &c., promettant, &c., soumettant, &c.; dont acte et jugé de leur consentement.

Fait et passé en notre étude, à la Nouvelle Orleans, les jour et an que dessus, en présence des srs. Jean Bte. Ramirez et Joachim Lozano, témoins, qu'ont signés, ainsi que les parties, avec nous, notaire.

La minute est signée, Wm. Donaldson, John McDonogh, jr., Shepherd Brown, Joaqn. Lozano, Jean Bapte. Ramirez, et de nous, notaire, au pouvoir duquel elle est restée.

[L. S.] (Signed) PIERRE PEDESCLAUX, *Nre.*

(*Translation of the foregoing document marked "A, No. 6."*)

Cash sale.—This day, the second day of the month of January, in the year eighteen hundred and six, and the thirtieth of the American independence, before me, Pierre Pedesclaux, notary public for the United States of America, in New Orleans, the capital of the territory of Orleans, was present Mr. Guillaume Donaldson, merchant, residing

in this city, who has by these presents, of his own accord, impulse, and pure will, ceded, yielded, and transferred, purely and plainly, unto Messieurs Shepherd Brown and John McDonogh, junior, merchants, residing in this city, here present and accepting, their heirs and assigns, the following lands, forming in all one hundred and twenty thousand arpents, situated between the Amit and Pascagoulas rivers, the whole according to the plans which the sellers *has* delivered to the purchasers, under the numbers and quantities as *follows*, to wit: No. 1706, having thirty-three thousand arpents; No. 1706, having twenty-seven thousand arpents; No. 1706, having thirty-four thousand five hundred arpents; No. 1707, having twelve thousand nine hundred arpents; No. 1708, having eight thousand eight hundred and forty arpents; No. 1709, having three thousand seven hundred and sixty arpents, belonging to the seller for having acquired them from Messrs. Dominique Langorant and Modeste Lefevre, attorneys in fact of Mr. Gerome Lachiapella, and of the purchasers, as per act in our office, under date of the eleventh of December last.

The said one hundred and twenty thousand arpents of land herein above sold as they are, together with all rights, ways, usages, and servitudes, as enjoyed by the vendor, without reserve or exception; which one hundred and twenty-thousand arpents of ground are well known to the purchasers, who are satisfied with the same.

The present sale is made and passed between the parties under the above expressed clauses and conditions; and, moreover, for the price and sum of thirty-five thousand dollars, which the seller acknowledges to have received in ready money from the purchasers; for which he has acquitted and acquits, desists, and parts with all his rights of property in and to the one hundred and twenty thousand arpents of ground herein above sold, in favor of the purchasers, whom he has invested with said rights, so that they may enjoy, do, and dispose of the same, according to their will, as property to them belonging, now and forever, and to take possession of the same when they shall think fit; so obligating, &c., renouncing, &c., promising, &c., consenting, &c.; which act is passed with their consent.

Done and passed in our office, at New Orleans, the day and year as above, in presence of Messieurs Jean Bte. Ramirez and Joachim Lozano, witnesses, who have signed, as also the parties, with us, notary.

The original is signed, Wm. Donaldson, John McDonogh, junior, Shepherd Brown, Joaqn. Lozano, Jean Bte. Ramirez, and us, notary, in whose keeping it remained.

PIERRE PEDESCLAUX, *Nre.*

[SEAL.]

And afterwards, at the said May term of the said court, to wit, on the 8th day of June, 1846, the following citation in chancery was issued in this case, and is as follows:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, U. S. district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court, to be holden at New Orleans, on the first Monday of July, 1846, then and there to answer a petition in chancery, filed against the United States, wherein John McDonogh is petitioner, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 8th day of June, New Orleans, 1846, and 70th year of American independence.

(Signed) N. R. JENNINGS, [SEAL.]
Clerk.
By L. E. SIMONDS, *D'y Clerk.*

Mem: The defendant is to enter an appearance in the above cause, in the clerk's office, on or before the first Monday in July, 1846, otherwise the petition may be taken pro confesso.

(*Marshal's return on the foregoing citation.*)

Received this 10th day of June, 1846, and on the same day I served copies of the within citation, plaintiff's petition, and documents annexed, on the within named the United States, in the manner following, to wit, by handing copies to S. W. Downs, district attorney, in person, at New Orleans.

(Signed) For WM. F. WAGNER,
U. S. marshal.
J. H. RINEHART,
D'y U. S. marshal.

And further, at the same term of said court, to wit, on the 5th of November, 1846, the following answer of the defendants was filed of record in this case:

JNO. MCDONOGH
vs.
THE UNITED STATES. } No. 23.

District court of the United States, for the district of Louisiana.

The defendants now come and for answer deny all and singular the facts and allegations of plaintiffs' petition.

Wherefore they pray that said petition may be dismissed at plaintiffs' costs.

(Signed) THOMAS J. DURANT,
Attorney.

And afterwards, at the December term of this court, to wit, on the 11th day of February, 1847, the following entry was made of record in this case:

JOHN McDONOGH vs. The UNITED STATES. } 23.

The cause thus numbered and entitled, being this day fixed for trial, was upon motion of the U. S. district attorney, the court being engaged in other business, continued until further notice.

And afterwards, at the February term of this court, to wit, on the 9th day of March, 1849, the plaintiff appeared and filed the following replication:

JOHN McDONOGH vs. THE UNITED STATES. } 23.

District court, U. S., Louisiana district.

The replication of John McDonogh, complainant, to the answer of the U. States, defendants: This repliant reserving all benefit of exception, &c., saith, that he doth maintain and will prove his bill to be true and sufficient in law, and that the answer of the defendants is insufficient, as this honorable court may require, and prays as he hath prayed in his bill.

(Signed) A. HENNEN & C. ROSELIUS,
Solicitors.

And further, at the same term and date, the following entry was made of record in this case, to wit:

JOHN McDONOGH vs. The UNITED STATES. } 23.

This cause came regularly up to-day for hearing; A. Hennen and C. Roselius, esquires, solicitors for the complainant, and the U. S. district attorney for the defendants, present; evidence was adduced and testimony taken down in open court; when the cause having been partly argued, was continued until to-morrow, the 10th instant, at 10 a. m.

Evidence offered by the complainant.

Exhibit marked "A, No. 1," already copied from page 6 to page 27 of this transcript.

Exhibit marked "A, No. 2," already copied from page 46 to page 65 of this transcript.

Exhibit marked "A, No. 3," already copied from page 82 to page 85 of this transcript.

Exhibit marked "A, No. 4," already copied from page 88 to page 90 of this transcript.

Exhibit marked "A, No. 5," already copied from page 92 to page 95 of this transcript.

Exhibit marked "A, No. 6," already copied from page 98 to page 100 of this transcript.

All admitted by the court, subject to the exceptions raised by the defendants as to their admissibility as evidence.

2°. The plaintiff offered in evidence the following deposition of Louis Bouligny, in relation to exhibits A, No. 1, and A, No. 2.

JOHN MCDONOGH vs. The UNITED STATES. } 23.

Friday, March 9th, 1849. Testimony taken in open court on the trial.

Louis Bouligny, esq., being duly sworn, deposes, on being shewn the document marked A, No. 1, annexed to and made part of petition, that the signatures of Juan Morales and Fran'co Gutierrez de Arroyo thereto attached, are genuine signatures; further, that the said Juan Morales was not the intendant, (whose signature is Juan Ventura Morales,) but his son; witness is well acquainted with the handwriting of the said Juan Morales and F. G. Arroyo, and deposes that the writing in question is theirs. The intendant, Juan Ventura Morales, never gave copies himself of documents, but issued orders for such.

Doc. A, No. 2.—The patent itself deposes to the signatures, the genuineness of Juan Ventura Morales, Carlos Ximenes, Gilberto Leonard, Manuel Armirez, and Carlos Ximenes, and Carlos Trudeau, Carlos Trudeau, Carlos Trudeau, Carlos Trudeau, Carlos Trudeau, Carlos Trudeau, Carlos Trudeau, thereto successively attached; and, further, that the paraphe on the various pages thereof is the flourish of the notary Ximenes; witness is well acquainted with the handwriting of these various persons, and has no doubt of the genuineness of their signatures now in question.

No cross questions.

Attest, (Signed) L. BOULIGNY.
(Signed) ROBT. M. LUSHER, *D'y Clk.*

L. Bouligny, esq., further deposes, that he knows the plaintiff herein to have settled on a tract of land near the Amite river, and that he, the witness, has been on the plantation there established by the plaintiff; was there in the month of March, 1805; that the plaintiff had several settlements there, nearly opposite where Galveston is situated.

Cross questions.

Plaintiff, at the time in question, 1805, resided in New Orleans, and had therein resided from about 1801 or 1802.

Attest, (Signed) L. BOULIGNY.
(Signed) ROBT. M. LUSHER, *D'y Clk.*

3°. The plaintiff offered in evidence the following deposition of Antoine Cruzat, as to signature to exhibit A, No. 1:

JOHN MCDONOGH
vs.
The UNITED STATES. } 23.

Friday, March 9th, 1849. Testimony taken herein by order of court, at the residence of the witness, the district attorney giving his assent in the premises, and being there present.

On being shewn a certain document marked A, No. 1, and filed herein on the 8th June, 1846, also endorsed "The expediente in Spanish, of the 120,000 arpents of land," Antoine Cruzat, esq., being sworn, deposes that the signature of Francisco Gutierrez de Arroyo, thereto attached, is the veritable and genuine signature of the said Arroyo; witness's affirmation in this respect being derived from his great familiarity with his signature, and from his having frequently seen the said Arroyo sign and write his name.

(Signed) A. CRUZAT.

Sworn to and subscribed in presence of—

(Signed) ROBT. M. LUSHER,
D'y U. S. Com'r in land cases.

Brought into court forthwith.

Attest, (Signed) ROBT. M. LUSHER, *D'y Clk.*

And afterwards, at the same time, to wit, on the 10th of March, 1849, the following entry was made of record in this case:

JOHN MCDONOGH
vs.
The UNITED STATES. } 23.

The argument herein was to-day resumed; A. Hennen, esq., solicitor for the complainant, and the United States district attorney for the defendants, appearing; and the same having been concluded, the case was thereupon submitted to the consideration of the court.

Further evidence offered on the part of the complainant.

4°. The plaintiff offered in evidence the following deposition of M. J. Garcia and Eusebe Reggio, as to signatures to document A, No. 1:

JOHN MCDONOGH.
vs.
The UNITED STATES. } 23.

Testimony taken in open court, March 16th, 1849, and by consent offered in evidence, as of date March 10th, 1849, before submission of cause.

Manuel J. Garcia, esq., being duly sworn, and on being shown a document herein, marked A, No. 1, deposes that he is well acquainted with the signatures of Antonio Cabarros and Francisco Gutierrez de

Arroyo, and Juan Morales, (thereto attached,) and believes them to be their genuine signatures. Juan Morales was in the treasurer's office at Pensacola, and Arroyo was one of the secretaries.

(Signed,) MANUEL J. GARCIA.

Dist. attorney present; but no cross examination.

Attest: ROBT. M. LUSHER, *D'y Clerk*.

Eusébe Reggio, esq., also having been sworn according to law, deposes that he was well acquainted with Cabarros, both at Pensacola and Havana, and he believes the signature of said Antonio Cabarros attached to Doc. A, No. 1, to be his genuine signature; has seen said Cabarros sign and write his name.

(Signed,) E. REGGIO.

Dist. attorney present; but no cross examination.

Attest: (Signed,) ROBT. M. LUSHER, *D'y Cl'k*.

5°. The plaintiff offered in evidence the following register's certificate, as to sale of 120,000 acres claimed by plaintiff:

SOUTHEASTERN DISTRICT OF LOUISIANA.

Land office, New Orleans.

It is hereby certified, that in the 3d volume of the American State Papers, of this office, page No. 55, it is stated in the report of the commissioners on the claim of Brown and McDonogh, on a Spanish patent for 120,000 arpents of land, laying in the district of lands west of Pearl river, "that it was sold at four cents per arpent; refers to an order of survey from Morales, 7th October, 1803," and in the remarks on said claim says, "on the tract of 120,000, claimed by Brown and McDonogh, there are thirty or forty families established, who have cultivated the land for several years; some of them hold under Brown and McDonogh; others have entered their places as settlement claims; Brown and McDonogh have also a large farm, grist mill, saw mill, &c., on the same tract."

Witness my hand this 16th day of June, 1846.

(Signed,) PETER LAIDLAW, *Register*.

And afterwards, at the same term of said court, to wit, on the 15th of May, 1849, the following judgment was rendered and entered of record in this case, and duly engrossed and signed on the 19th day of May, 1849:

February term, 1849.

JOHN MCDONOGH vs. THE UNITED STATES. } 23.

Present, honorable Theo. H. McCaleb.

This cause came on for hearing at the present term, to wit, on the 9th day of March last, on the petition, answer, replication, exhibits, and

proof of record, and was argued by counsel for the complainant, and the district attorney of the United States for the defendants; and the court being duly advised in the premises, and having fully considered the case, on this day rendered its opinion and decree as follows:

The petitioner claims the quantity of one hundred and twenty thousand (120,000) superficial arpents of land, in controversy, by virtue of a purchase of the same from the Spanish government by Geronimo Lachiapella, a merchant and inhabitant of the city of New Orleans, in the province of Louisiana.

The proceedings to effect the purchase were commenced on the 5th October, in the year 1803, and on the 7th October, 1803, the grant of the intendant general, Juan Ventura Morales was made, ordering the survey to take place. The survey of the land was made by Carlos Trudeau, surveyor general of the province, according to his six several plans, annexed to the petition, under date of the seventeenth of January, A. D. 1804, and a perfect title thereto was executed, and by Juan Ventura Morales, the intendant general, delivered on the 28th day of March, A. D. eighteen hundred and four.

The signatures of the Spanish officers who issued the concession are proved to be genuine by Louis Bouligny, Antoine Cruzat, Manuel Garcia, Eusebe Reggio, living witnesses examined in the case.

The petitioner, who has acquired title to the lands aforesaid, by divers mesne conveyances, under the original grantee, duly presented his claim therefor, to the commissioner of land claims west of Pearl river and east of the Mississippi, and it was recorded as claim No. 49, page 55, in the 3d volume of the American State Papers as to lands, where it is stated as it has been proved here, that the petitioner had established a large farm, grist mill, saw mill, &c., on the land, which he had cultivated for several years, and on which he had established thirty or forty families.

For the reasons given at length in the case of Joseph Reynes, against the United States, (No. 10 of the docket,) the court is of the opinion that the petitioner has a valid claim to the tract of land claimed by him; that said claim is guaranteed by the treaty of cession of Louisiana to the United States and the laws of nations; and that he is entitled to the relief granted by the act of Congress, approved the 17th day of June, 1844, entitled "an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers," and the act approved the 26th of May, 1824, to which it refers, entitled "an act enabling the claimants to land within the limits of the State of Missouri and territory of Arkansas to institute proceedings to try the validity of their claims."

It is therefore ordered, adjudged, and decreed, that the grant made by the Spanish Government to Geronimo La Chiapella, on the 28th March, 1804, is valid against the United States, and that the lands described in the said grant, and the six several surveys by the surveyor general, Carlos Trudeau, of record herein, as part of exhibit A, No. 2:

The first of which surveys embraces			-	33,000	superficial arpents.
The second	do.	do.	- -	27,000	do.
The third	do.	do.	- -	34,500	do.
The fourth	do.	do.	- -	12,900	do.
The fifth	do.	do.	- -	8,840	do.
And the sixth	do.	do.	- -	3,760	do.

amounting together to one hundred and twenty thousand superficial arpents, more or less, according to and with the metes and bounds as described in the said several six surveys, and to be located and surveyed conformably thereto—belongs to the petitioner holding under the original grantee, a citizen and resident of the province of Louisiana.

And whereas it is well ascertained that a great part of said tract of land is now held by titles emanating from the United States, it is further ordered, adjudged, and decreed, that for all the land within said limits so held, and which has been sold or otherwise disposed of by the United States, the claimant shall be, and he is hereby, authorized to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels conformable to sectional divisions and subdivisions, in any land office of the United States in the State of Louisiana; and if it should so happen that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres, of a less number than the smallest sectional divisions authorized by law to be sold, the party interested shall have the right to enter, in virtue of such fractional excess, the quantity of one-half quarter section of land, upon paying one dollar and twenty-five cents for each acre contained in such half quarter section over and above the fractional excess to which he may be entitled by such confirmation.

Judgment rendered May 15th, 1849.

Judgment signed May 19th, 1849.

(Signed) THEO. H. McCALEB,
U. S. Judge. [SEAL.]

And further, at the same term of this court, to wit, on the 19th of May, 1849, the following motion and order of appeal was entered of record in this case:

JOHN McDONOGH
vs.
The UNITED STATES. } No. 23.

Be it remembered, that on this nineteenth day of May, in the year one thousand eight hundred and forty-nine, at the February term of the district court aforesaid, in his own proper person, comes Thomas J. Durant, attorney of the United States for the eastern district of Louisiana, and gives the court here to understand and be informed, that the United States are injured and aggrieved by the judgment of this honorable court, rendered against them at this term, in the matter of John McDonogh versus the United States, and desire to appeal therefrom.

It is thereupon ordered by the court that an appeal be allowed in favor of the said United States from the judgment aforesaid, returnable to the Supreme Court of the United States at the next term thereof after the date of this order.

Finis.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing one hundred and seventeen folios (and plans on folios 55, 56, 57, 58, 59, 60) and (118) eight lines, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, wherein John McDonogh is plaintiff, (claim A, 120,000 arpens,) and the United States of America are defendants, No. 23 of the land docket of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this twenty-
[L. S.] fourth day of September, one thousand eight hundred and forty-nine, and the 74th year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern district of Louisiana.

I, Thodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal, at New Orleans, this 25th day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

The United States of America, to John McDonogh, of the parish of Orleans, State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an order of appeal granted, on the nineteenth day of May, 1849, by the district court of the United States, in and for the eastern district of Louisiana, in a certain cause in chancery, (under the acts approved May 26th, 1824, and June 17th, 1844,) entitled (No. 23) John McDonogh vs. the United States, wherein the said United States of America are now appellants, and you are appellee, to show cause, if any there be, why the judgment rendered against the appellants, as in the said order of appeal mentioned, should

not be corrected, and why speedy justice should not be done to the parties in that behalf.

(Claim A, 120,000 arpents.)

C. ROSELIUS and
A. HENNEN, *Attorneys*.

Witness hereto my hand and the seal of the said court, at the city of New Orleans, this twenty-fourth day of September, A. D. 1849.
[L. S.]

THEO. H. McCALEB. [SEAL.]
Judge U. S. district court, eastern district of Louisiana.

Attest: ROBT. M. LUSHER, *D'y Clerk*.

Marshal's return.

Received October 9, 1849, and on the same day served a copy of the within citation of appeal on John McDonogh, by handing the same to him in person at New Orleans.

Returned 19th Oct., 1849.

M. M. THOMAS,
D'y U. S. marshal, eastern district, La.

Return registered Oct. 19, 1849.

ROBT. M. LUSHER, *D'y Clerk*.